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TABLE OF CONTENTS

April 13, 2001 Volume 25, Issue 15

PROPOSED RULES

COMMERCE COMMISSION, ILLINOIS

Minimum Safety Standards For Transportation Of Gas And For Gas Pipeline Facilities	
83 Ill. Adm. Code 590	5141
Purchased Water And Sewage Treatment Surcharges	
83 Ill. Adm. Code 655	5144

FIRE MARSHAL, OFFICE OF THE STATE

Boiler And Pressure Vessel Safety	
41 Ill. Adm. Code 120	5156

HUMAN SERVICES, DEPARTMENT OF

Aid To The Aged, Blind Or Disabled	
89 Ill. Adm. Code 113	5162
Food Stamps	
89 Ill. Adm. Code 121	5175
General Assistance	
89 Ill. Adm. Code 114	5188
Temporary Assistance For Needy Families	
89 Ill. Adm. Code 112	5203

HUMAN RIGHTS, DEPARTMENT OF

Housing Discrimination	
71 Ill. Adm. Code 2300	5216

NATURAL RESOURCES, DEPARTMENT OF

Incidental Taking Of Endangered Or Threatened Species	
17 Ill. Adm. Code 1080	5220
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver And Woodchuck (Groundhog) Trapping	
17 Ill. Adm. Code 570	5228
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting	
17 Ill. Adm. Code 550	5236

PUBLIC AID, DEPARTMENT OF

Medical Assistance Programs	
89 Ill. Adm. Code 120	5244
Hospital Services	
89 Ill. Adm. Code 148	5254

ADOPTED RULES

AGING, DEPARTMENT ON

Elder Abuse Program

89 Ill. Adm. Code 250, Repeal5257

Elder Rights

89 Ill. Adm. Code 2705259

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Licensing Standards For Group Day Care Homes

89 Ill. Adm. Code 4085281

HUMAN SERVICES, DEPARTMENT OF

Aid To The Aged, Blind Or Disabled

89 Ill. Adm. Code 1135326

Practice In Administrative Hearings

89 Ill. Adm. Code 145335

PUBLIC AID, DEPARTMENT OF

Practice In Administrative Hearings

89 Ill. Adm. Code 1045351

Hospital Services

89 Ill. Adm. Code 1485359

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 1005374

Informal Conference Board

86 Ill. Adm. Code 2155390

Retailers' Occupation Tax

86 Ill. Adm. Code 1305398

SECRETARY OF STATE

Illinois State Library, Library Services Division

23 Ill. Adm. Code 30105412

EMERGENCY RULES

PUBLIC AID, DEPARTMENT OF

Hospital Services

89 Ill. Adm. Code 1485432

REGULATORY AGENDA

COMMUNITY COLLEGE BOARD, ILLINOIS

Administration Of The Illinois Public Community College Act

23 Ill. Adm. Code 1501, et al.5445

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda For Meeting Of April 17, 20015448

Second Notices Received5455

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities

2) Code Citation: 83 Ill. Adm. Code 590

3) Section Numbers: 590.10
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]

5) A Complete Description of the Subjects and Issues Involved: The Illinois Commerce Commission has adopted 83 Ill. Adm. Code 590 to incorporate by reference certain Federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3], which requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the *Illinois Register* with:

Donna M. Caton

Chief Clerk

Illinois Commerce Commission

527 East Capitol Avenue

Springfield IL 62701

(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

affect any small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting

C) Types of professional skills necessary for compliance: Engineering and managerial skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Commission did not anticipate the publication of first notice at this time.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER 4: GAS UTILITIES

PART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11877, effective October 1, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of January 1, 2001~~1999~~, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Purchased Water and Sewage Treatment Surcharges

- 2) Code Citation: 83 Ill. Adm. Code 655

- | Section Numbers: | Proposed Action: |
|------------------|------------------|
| 655.10 | New Section |
| 655.20 | New Section |
| 655.30 | New Section |
| 655.40 | New Section |
| 655.50 | New Section |
| 655.60 | New Section |

- 4) Statutory Authority: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

- 5) A Complete Description of the Subjects and Issues Involved: On August 20, 1999, Governor Ryan signed into law P.A. 91-0638, which added Section 9-220.2 to the Illinois Public Utilities Act. Section 9-220.2 authorizes water and sewer utilities to impose surcharges for the cost of purchased water, the cost of purchased sewage treatment, other costs difficult to predict, and infrastructure costs, independent of the utilities' revenue requirements. Part 655 addresses surcharges for the cost of purchased water and surcharges for the cost of purchased sewage treatment.

The rules provide an explanation of the costs recoverable through the purchased water/sewage treatment surcharge, as well as the restrictions associated with these costs, describing the calculation of the purchased water/sewer treatment surcharges and including formulae for their determination. The purchase water surcharge has provisions for a monthly fixed charge that recovers costs that do not vary with the quantity of water purchased and a variable charge that recovers costs that vary by the quantity of water purchased. The sewage treatment surcharge consists of a fixed monthly charge with provisions for a variable charge to large commercial customers. The rules also address the annual reconciliation process. When the utility files its annual reconciliation, the utility shall file a petition seeking approval of the reconciliation. The rules identify the items that shall be provided when the utility files its annual reconciliation and additional items that shall be provided to the Commission's Manager of the Water Department and to the Commission's Manager of the Accounting Department. Finally, the Part establishes the necessary procedures required to implement a water/sewage treatment surcharge consistent with Part 655.

- 6) Will these proposed rules replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Accounting and managerial skills

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Commission did not anticipate the publication of first notice at this time.

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER e: WATER AND SEWER UTILITIES

PART 655
PURCHASED WATER AND SEWAGE TREATMENT SURCHARGES

Section	Applicability
655.10	Definitions
655.30	Recoverable Purchased Water/Sewage Treatment Costs
655.40	Determination of Purchased Water/Sewage Treatment Surcharge
655.50	Annual Reconciliation
655.60	Implementation

AUTHORITY: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Section 655.10 Applicability

- a) A purchased water/sewage treatment surcharge shall be applied to water/sewer bills of customers of water/sewer utilities in the applicable rate zone for utilities having a purchased water/sewage treatment surcharge rider and information sheet in effect and on file with the Illinois Commerce Commission (Commission).
- b) A purchased water/sewage treatment surcharge shall be applied, during the effective month, in accordance with the provisions of this part.
- c) Each purchased water/sewage treatment surcharge shall be determined in accordance with Section 655.40 of this Part.

Section 655.20 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Base period" means the remaining months in the reconciliation year that includes the effective month.

"Billing unit" means the unit of billing for water billed to the customer by the utility, for example, thousands of gallons or hundreds of cubic feet.

"Commercial customer" means any customer that is not a residential customer or multi-unit residential customer.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Effective month" means any month during which the water/sewage treatment surcharge shall be in effect.

"Equivalent billing units" means the number of 5/8-inch meters equivalent in flow to a larger meter.

"Information sheet" means a tariff sheet supplemental to the rider filed in accordance with this Part that establishes the initial or modified amount of a purchased water/sewage treatment surcharge.

"Large commercial customer" means a commercial customer with an annual water use of 100,000 gallons or more.

"Multi-unit residential customer" means a dwelling unit used primarily as a residence and located in a master metered building containing more than one such dwelling unit.

"Purchased water/sewage treatment surcharge" means the amount added to a customer's bill in accordance with Section 655.40 of this Part.

"Rate zone" means the service areas to which a particular base rate or purchased water/sewage treatment surcharge applies, but does not include areas that have different base rates or purchased water/sewage treatment surcharges, even though such areas may be served by the utility.

"Reconciliation year" means the calendar year for which actual water and sewage costs and revenues attributable to the purchased water/sewage treatment surcharge are to be reconciled.

"Residential customer" means a customer serviced at an individually metered premises used primarily as a residence.

"Small commercial customer" means a commercial customer with an annual water use below 100,000 gallons.

Section 655.30 Recoverable Purchased Water/Sewage Treatment Costs

- a) Costs recoverable through the purchased water/sewage surcharge shall include the following:
 - 1) the cost of purchased water from an entity other than the utility (including wheeling or delivery charges); and
 - 2) the cost of purchased sewage treatment from an entity other than the utility.
- b) Recoverable purchased water/sewage treatment costs shall be offset by the revenues derived from transactions at rates not subject to the purchased water/sewage treatment surcharge to the extent that costs incurred in connection with such transactions are recoverable costs

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

under subsection (a) above. Subsection (a) shall apply to transactions subject to rates contained in tariffs on file with the Commission, in contracts entered into pursuant to such tariffs, and in any other contracts providing for purchased water/sewage treatment.

- c) Revenues from penalty charges approved by the Commission that relate to purchased water/sewage treatment shall offset recoverable costs as determined under Sections 655.40 of this Part.
- d) The determination of costs recoverable from customers through the purchased water/sewage treatment surcharge shall not include water used in, and/or sewage treated for, facilities either owned or leased by the utility.

Section 655.40 Determination of Purchased Water/Sewage Treatment Surcharge

- a) For the recovery of purchased water costs, the water surcharge shall consist of a monthly fixed charge and a variable charge.

1) The monthly fixed charge shall recover costs that do not vary with the quantity of water purchased. Such fixed charges would include items such as depreciation for existing facilities and capital-related costs for new and existing facilities when such costs are billed by the supplier as a fixed monthly or annual amount. If there are no fixed charges from the supplier, all costs shall be recovered as a variable charge.

A) Fixed costs shall be distributed among customers on an equivalent meter basis. A 5/8-inch disk meter shall equal one equivalent billing unit. Equivalent billing units for meters of other sizes shall be based upon the following ratios:

Meter Size	Ratio
5/8" disk	1.0
3/4" disk	1.5
1" disk	2.5
1 1/2" disk	5.0
2" disk	8.0
3" disk	15.0
4" disk	25.0
6" disk	50.0
8" disk	80.0
10" disk	115.0
12" disk	168.0
3" turbine	17.5
4" turbine	20.0
6" turbine	82.5
8" turbine	96.0
10" turbine	145.0

- B) The fixed charge shall be calculated using the following

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

formula:

$$FC = \frac{FSC + RF + OF}{EBU}$$

Where:

FC= Monthly fixed charge per equivalent billing unit to be billed to customers during the base period.

FSC= Estimated fixed charge from the supplier during the base period.

RF= Utility-determined reconciliation component for the fixed charge.

OF= Commission-ordered adjustment component for the fixed charge.

EBU= Estimated equivalent billing units for the base period.

- 2) The variable charge shall recover costs that vary by the quantity of water purchased plus the reconciliation component and the adjustment component and shall be charged to all customer classes based on the quantity of water used by each customer, regardless of meter size. The variable charge shall be calculated using the following formula:

$$VC = \frac{VSC + RV + OV}{VBU}$$

Where:

VC= Variable charge per variable billing unit to be billed to customers during the base period.

VSC= Estimated variable charge from the supplier during the base period.

RV= Utility-determined reconciliation component for the variable charge.

OV= Commission-ordered adjustment component for the variable charge.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

VBU=

Variable billing units for water to be billed to customers during the base period expressed in 1,000 gallon or 100 cubic feet increments.

- b) For the recovery of purchased sewage treatment costs, if the utility's cost for purchased sewage treatment does not vary based on the strength of waste treated, the sewage treatment surcharge shall consist of a monthly charge.

1) If all customers are residential, multi-unit residential, or small commercial customers, divide the total expected cost plus the reconciliation component and the adjustment component by the number of customers and divide that amount by 12 to obtain the monthly charge. For the purpose of this subsection (b)(1), each multi-unit residential customer shall be counted as 85% of a residential customer. The charge for purchased sewage treatment will be calculated using the following formula:

$$SCM = \frac{EST + R + O}{NC \times M}$$

Where:

SCM= Monthly charge per residential customer or small commercial customer for purchased sewage treatment to be billed during the base period. (The monthly charge for each multi-unit residential customer shall equal $SCM \times .85$.)

PST= Estimated cost of purchased sewage treatment charges from the supplier for the base period.

R= Utility-determined reconciliation component.

CO= Commission-ordered adjustment component.

NC= Estimated monthly average number of customers for the base period (each multi-unit residential customer is counted as .85 of one residential customer).

M= Number of months in the base period.

- 2) If the system serves one or more large commercial customers, the sewage treatment surcharge shall be calculated in the following manner:

A) the sewage treatment surcharge for large commercial customers shall be computed by obtaining an average cost of sewage treatment per 1,000 gallons or per 100 cubic feet of water used by all customers. The large commercial customers

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

shall have a minimum monthly bill equal to the residential monthly sewage treatment surcharge as determined under subsection (b)(2)(B). Any over-recovery of revenue resulting from the imposition of the minimum bill to large commercial customers shall result in a reduction of the cost of the large commercial rate so that the total revenue recovered equals the target revenue from large commercial customers.

B) The residential sewage treatment surcharge shall be a flat rate equal to the average cost per 1,000 gallons or per 100 cubic feet of water used multiplied by the total average monthly estimated water usage of the residential customer class divided by the number of residential customers. For purposes of this subsection (b)(2)(B), each multi-unit residential customer shall be counted as 85% of a residential customer.

C) The multi-unit residential sewage treatment surcharge shall be equal to the residential sewage treatment surcharge multiplied by .85.

D) The charges for purchased sewage treatment shall be calculated using the following formulae:

$$SCbu = PST + R + O$$

BU

$$CRSCbu = SCbu - AMC$$

$$RMSC = \frac{SCbu \times RAMU}{NCR}$$

Where:

SCbu= Average charge for purchased sewage treatment per billing unit of water to be billed to residential and commercial customers during the base period).

PST= Estimated cost of purchased sewage treatment charges from the supplier for the base period.

R= Utility-determined reconciliation component.

O= Commission-ordered adjustment component.

BU= Number of billing units to be billed to customers during the base period.

CRSCbu= Large commercial rate sewage treatment charge for purchased sewage treatment per billing unit of water to be billed.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

AMC= Billing adjustment for the large commercial minimum charge.

RMSC= Residential monthly sewage treatment charge. (The multi-unit residential monthly sewage treatment charge is equal to $RMSC \times .85$.)

RAMU= Total residential average estimated monthly water usage for the base period.

NCR= Number of residential and multi-unit residential customers (each multi-unit residential customer being equal to .85 of one residential customer).

c) If the utility's cost varies based on the strength of waste treated, the appropriate formula for determination of the purchased sewage treatment surcharge will be included in the utility's purchased sewage treatment rider.

Section 655.50 Annual Reconciliation

a) At the time that the utility files its annual reconciliation, the utility shall file a petition pursuant to 83 Ill. Adm. Code 200 seeking approval of its annual reconciliation. The annual reconciliation shall be verified by an officer of the utility.

b) The utility shall provide the following schedules for each surcharge being reconciled:

- 1) A schedule showing the costs recoverable through the applicable surcharge during the reconciliation year,
- 2) A schedule showing the revenues arising from the applicable surcharge during the reconciliation year, and
- 3) A schedule showing the reconciliation components determined by the utility (Rf, Rv, and R, as applicable) to be recovered or refunded throughout the April 1 through December 31 period following the filing of the annual reconciliation. The reconciliation components shall be treated as an addition to, or an offset against, actual purchased water/purchased sewage treatment costs.

A) The calculation of the utility-determined reconciliation components shall include the effects of the reconciliation components and adjustment components from prior reconciliation years that were effective in the year being reconciled.

B) The utility-determined reconciliation components shall include the total of the following items:

- 1) Refunds, directly billed supplier surcharges, unamortized balances of adjustments in effect as of the utility's implementation date, and other

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- separately designated adjustments;
- ii) For the initial reconciliation year, the cumulative difference between actual recoverable purchased water/sewage treatment costs and surcharge recoveries for the period preceding the initial effective month; and
- iii) The unamortized portion of any reconciliation components and/or adjustment components included in prior determinations of the purchased water/sewage treatment surcharge.
- C) The reconciliation components shall not include costs associated with unaccounted for water or any storm water inflow or infiltration in contravention of an Order of the Commission directing that such costs not be reflected in rates.
- D) If a utility determines the need to amortize a positive reconciliation component over a period longer than nine months, the utility must receive authority from the Commission's Manager of the Accounting Department to recover such costs over a longer period. The utility shall make the request in writing to the Manager of the Accounting Department. The Manager of the Accounting Department must approve the request for a longer amortization period in writing. The Manager of the Accounting Department shall consider the dollar amount of the positive reconciliation component and the impact of the positive reconciliation component on customer bills when granting or denying a utility's request for an amortization period longer than nine months.
- C) Costs and revenues associated with the purchased water/sewage treatment surcharge shall be subject to adjustment components (Of, Over, and O, as applicable) as required by an Order of the Commission. Any difference determined by the Commission shall be credited or charged, as appropriate, along with any interest at the effective rates established by the Commission under 83 Ill. Adm. Code 280.70(e)(1). Interest on the adjustment component shall be applied from the end of the reconciliation year until the adjustment component is refunded or charged.
- d) The initial reconciliation year shall begin on the effective date of the purchased water/sewage treatment surcharge and end on December 31 of the calendar year in which the surcharge was initiated. Each subsequent reconciliation year shall begin on January 1 and shall end on December 31.
- e) The utility will file its annual reconciliation no later than the March 15 following the December 31 end of the reconciliation period. The utility-determined reconciliation component from the annual reconciliation shall become effective on the April 1 following the end of the reconciliation year.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- F) When the utility files its annual reconciliation, the utility shall provide two copies of the following items, for each surcharge being reconciled, one copy to the Commission's Manager of the Water Department and one copy to the Commission's Manager of the Accounting Department:
- 1) Copies of all worksheets pertaining to the reconciliation;
 - 2) Copies of all invoices supporting the costs for the applicable purchased water/sewage treatment surcharge;
 - 3) Copies of the applicable general ledger or equivalent documentation supporting the recovery of the purchased water/sewage treatment surcharge;
 - 4) A worksheet showing an independent calculation of the purchased water/sewage treatment surcharge. For fixed charges, the worksheet shall show the total fixed charge obtained by multiplying the monthly fixed charge by the number of customer months. For variable charges, the worksheet shall show the total variable charge obtained by multiplying the units delivered by the variable charge rate; and
 - 5) A detailed worksheet showing the calculation of any reconciliation component based upon the annual reconciliation and the effect of the reconciliation component amount on the purchased water/sewage treatment surcharge rate.

Section 655-60 Implementation

- a) A utility proposing a purchased water/sewage treatment surcharge under this Part shall file a purchased water/sewage treatment surcharge rider in accordance with the requirements of Section 9-201 of the Act [220 ILCS 5/9-201].
- b) The amount of any new or modified purchased water/sewage treatment surcharge shall be shown on an information sheet supplemental to the purchased water/sewage treatment surcharge rider, which shall be filed in accordance with this Section.
- c) The utility shall provide supporting documentation and worksheets with the filing of each information sheet.
- d) The utility shall file the information sheet and supporting data for the purchased water/sewage treatment surcharge no later than the 20th day of the month preceding the effective month. An information sheet and supporting data filed after that date, but prior to the first day of the effective month, shall be accepted only if it corrects an error or errors from a timely filed information sheet for the same effective date. Any other information sheet and supporting data shall be accepted only if submitted as a special permission request to become effective on less than 45 days' notice under the provisions of Section 9-201(a) of the Act [220 ILCS 5/9-201(a)].
- e) The purchased water/sewage treatment surcharge shall be presented as a separate line item on the customer bills.
- f) The revenues resulting from each purchased water/sewage treatment

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- g) A utility that presently has in place a separate charge for the recovery of purchased water/sewage treatment costs shall, within 60 days after the effective date of this Part (on or before (insert date)), file with the Commission tariff sheets proposing to initiate a new purchased water/sewage treatment surcharge rider consistent with this Part and cancel the presently effective separate charge. Such tariff sheets shall reflect the utility's proposal for disposition of reconciliation balances, if any, accrued under the separate charge in effect when the tariff sheets are filed.
- h) A utility shall provide notice as required by Section 9-201(a) of the Act after the filing of each information sheet. The utility also shall post notice of such filing in accordance with the requirements of 83 Ill. Adm. Code 255. Unless filed as part of a general rate increase, notice of the filing of a purchased water/sewage treatment surcharge rider, also shall, be given in the manner required by this subsection for the filing of information sheets.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
120.15 Amendment
- 4) Statutory Authority: Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].
- 5) A Complete Description of the Subjects and Issues Involved: The National standards have been updated and boilers and pressure vessels are being fabricated to the newer standards. The amendment will allow these objects to meet the newer standards.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This Amendment does not create or expand a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of publication to:

John J. Pavlou, Chief Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259
jpavlou@mail.state.il.us

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any that purchase a new boiler or pressure vessel.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None beyond current rules.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

13) Regulatory Agenda on which this rulemaking was summarized: January 2001The full text of the Proposed Amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 120
BOILER AND PRESSURE VESSEL
SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section	
120.4	Foreward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section	
120.130	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section	
120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section
120.1100

Procedure for the Issuance of a State Special Permit

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section
120.1200

Authorization for Repair of Safety & Safety Relief Valves

120.1210 Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves

120.1220 Issuance and Renewal of the Certificate

120.1240 Changes to Certificates of Authorization

120.1250 Repairs to Safety and Safety Relief Valves

120.1260 Quality Control System

120.1270 Nameplates

120.1275 Field Repair

120.1280 Performance Testing of Repaired Valves

120.1285 Training of Valve Repair Personnel

120.1290 ASME "v", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section
120.1300

Introduction

120.1301 Authority and Responsibility

120.1305 Organization

120.1310 Inservice Inspection Program

120.1320 Drawings, Design Calculations, and Specification Control

120.1325 Material Control

120.1330 Examination and Inspection Program

120.1335 Correction of Nonconformities

120.1340 Welding

120.1345 Nondestructive Examination

120.1350 Calibration of Measurement and Test Equipment

120.1355 Records

120.1360 Inspectors

APPENDIX A

Operational and Maintenance Log

EXHIBIT A Hot Water Heating Boilers

EXHIBIT B Steam Heating Boilers

APPENDIX B

Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 106/77; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.15 Fees

As authorized by the Boiler and Pressure Vessel Safety Act, the Board hereby establishes the following fees to be collected for services rendered ~~by the Division:~~

Examinations.....\$30625

Commissions

New Issuance.....\$25629

Renewal.....\$15619

All Certificates Certificate of Inspection.....\$35629

Inspections

Power Boilers

Internal Inspection

Boilers of 100 sq. ft. of heating surface or less.....\$30

Boilers over 100 sq. ft. of heating surface.....\$60

External Inspection.....\$30

Low-Pressure Heating Boilers and Hot-Water Supply Boilers

Internal or External Inspection.....\$30

No more than \$120 shall be charged for any one boiler in any one year.

Inspections conducted by the Division

High Pressure and High Temperature Water Boilers

Boilers without a manhole.....\$30

Boilers with a manhole.....\$60

Low Pressure Steam and Water Boilers

Boilers without a manhole.....\$30

Boilers with a manhole.....\$60

Hot water supply boilers.....\$30

No more than \$120 shall be charged for one boiler in any one year.

Pressure Vessels

Internal or External Inspection

Fees are based on the product of the overall length times the ~~and maximum~~ width

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

or diameter of the vessel expressed in square feet sq-ft.
 50 sq. ft. or less.....\$25
 51 sq. ft. to 150 sq. ft.....\$50
 over 150 sq. ft.....\$75
For each additional 100 sq-ft or portion thereof.....\$25

No more than \$120 shall be charged for any one pressure vessel in any one year.

Annual Statements (Owner-Users).....\$35 per vessel
 For statements covering not more than 25 vessels.....\$35 per vessel
 For statements covering more than 25 but fewer than 101 vessels.....\$25
 For statements covering more than 100 but fewer than 501 vessels.....\$250
 For statements covering more than 500 vessels.....\$950

Miscellaneous

Witness a hydrostatic test.....\$100\$40
 Joint reviews, audits, shop inspections
 1/2 day.....\$300\$950
 Full day.....\$500\$400
 Plus expenses, including travel and lodging.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:
113.101 Amendment
113.102 Amendment
113.103 Amendment
113.104 Amendment
113.107 Amendment
113.114 Amendment
113.115 Amendment
113.117 Amendment
113.118 Amendment
113.304 Amendment
113.305 Amendment

- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

- 5) A Complete Description of the Subjects and Issues involved: The purpose of this rulemaking is to make budgeting policy for all cash and food stamp programs uniform. This rulemaking will make budgeting policy simpler and reduce the number of errors due to budgeting inconsistencies. With this change, all cash and food stamp eligibility and benefit amounts will be computed prospectively.

- 6) Will these proposed amendments replace an emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	I.L. Reg. Citation
113.253	Amendment	24 Ill. Reg. 18975
113.260	Amendment	24 Ill. Reg. 18975

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income-89--Date--of Application-And/or--Date--of-Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income-89--Date--of Application-And/or--Date--of-Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care/Personal or Nursing Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.262 Meeting the Needs of an Ineligible Dependent with Client's Income
 Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 31,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

P. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, P. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, P. 324, effective September 2, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 324, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 3 Ill. Reg. 9, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 1, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 384, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 234, effective July 8, 1980; for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982; for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982; for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10370, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17893; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989; for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 11, 1989; for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989; for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 111, effective January 10, 1991; for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1994, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1994, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1994, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12816, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 8052, effective May 4, 1999; amended at 23 Ill. Reg. 6428, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. _____, effective March 30, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.101 Budgeting Unearned Income

- a) Budgeting is the method by which non-exempt income is compared to the applicable payment levels (as contained in Sections 113.246 to 113.256) plus additional income maintenance needs to determine the amount of the monthly assistance payment for the assistance unit.
- b) Monthly unearned income of a client is budgeted on the basis of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

nonexempt income that which is anticipated to be received in the payment month the client reports as received during the budget month.

c) If a recipient has more than one source of unearned income, the monthly income shall be calculated from all sources.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/or Date of Decision

- a) The unearned income received or expected to be received during a thirty day period commencing with the day of application shall be considered in the determination of eligibility.
- b) If the client is eligible, the amount of his initial prorated entitlement period (IPE) grant shall be based on the income which the client expects to receive during the IPE period. The IPE period is the period of time from when assistance first begins to the time recipient receives the first regular grant.
- c) If the IPE period is 60 days or more, the amount of the first regular grant shall be based on the income which the client expects to receive during the first payment month following the IPE period.
- d) If the IPE period is 60 days or more, the amount of the first regular grant shall be based on the income which the client receives or expects to receive during the corresponding budget month.
- e) For the months following the IPE, and first regular grant, the amount of the grant shall be based on the amount of nonexempt income anticipated to be received during the payment month, received during the corresponding budget month.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 113.103 Initial Receipt of Unearned Income

- a) When a recipient reports that he has begun receiving unearned income, a determination of continued eligibility shall be made.
- b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.
- c) If the recipient remains eligible, the nonexempt income anticipated to be received during the payment budget month shall be budgeted for the payment month.
- d) If a recipient fails to report that he has begun to receive unearned income, a determination of eligibility shall be conducted when the Department learns of the receipt. The Department shall also determine at that time whether there has been overpayment (in accordance with 89 Ill. Adm. Code 102.100).

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.104 Termination of Unearned Income

If a recipient reports and verifies that unearned income has ended, income will be budgeted prospectively for the month following the receipt of the last unearned income benefit received during all budget months will be used to determine the grant in all corresponding payment months.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.107 Lump-Sum Payments and Income Tax Refunds

a) A lump-sum payment is a one time payment such as retroactive VA, SSA or UI benefits, lottery winnings, insurance settlements, etc. If the amount of the lump-sum payment and other countable monthly income is sufficient to meet the client's needs prospectively for a period of at least one month, eligibility for assistance does not exist. However, if continued eligibility exists, the lump sum payment is not budgeted against until the payment month following the month corresponding to the budget month in which the lump-sum payment was received. Any amount remaining in the client's possession after the month of receipt is considered an asset subject to the appropriate asset disregard.

AGENCY NOTE: A child's SSI lump-sum payment that is paid directly, on behalf of a child, into a dedicated account is not countable as income when received or as an asset in the month(s) following the month of receipt.

b) When a lump-sum payment is from SSI, and is not paid into a dedicated account, if continued eligibility for financial assistance does not exist, continue to provide medical assistance only. An SSI lump-sum payment paid into a dedicated account does not affect financial assistance eligibility.

c) Income tax refunds shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.

d) If a client is the beneficiary of a life insurance policy any portion of those proceeds not in excess of \$1500 used to pay for the funeral/burial expenses of the insured shall be exempt as income.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.114 Budgeting Earned Income of Applicants Receiving Income-On-Date

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

of Application And/or Date of Decision

a) The earned income received or expected to be received during a thirty day period commencing with the day of application shall be considered in the determination of eligibility.

b) If the client is eligible, the amount of his initial prorated entitlement period (IPE) grant shall be based on the income which the client expects to receive during the IPE period. The IPE period is the period of time from when assistance first begins to the time the recipient receives the first regular grant.

c) If the IPE period is less than 60 days, the amount of the first regular grant shall be based on the income which the client expects to receive during the first payment month following the IPE period.

d) If the IPE period is 60 days or more, the amount of the first regular grant shall be based on the income which the client receives or expects to receive during the corresponding budget month.

e) For the months following the IPE, and first regular grant, the amount of the grant shall be based on the amount of nonexempt income anticipated to be received in the payment month received during the corresponding budget month, except income from the budget month is not used when the income is not anticipated to continue for the second regular payment month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.115 Initial Employment

a) When a recipient reports that he has begun employment, a determination of continued eligibility shall be made.

b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.

c) If the recipient remains eligible, the income anticipated to be received during the payment budget month shall be budgeted for the payment month.

d) If a recipient fails to report that he has begun to work, a determination of eligibility shall be conducted when the Department learns of the employment. The Department shall also determine at that time whether there has been overpayment (in accordance with 89 Ill. Adm. Code 102.100).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.117 Budgeting Earned Income For Non-contractual School Employees

a) Non-contractual School employees are:

1) teachers aides;

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 2) school secretaries and other clerical workers;
3) school cafeteria workers;
4) school custodians; and
5) other school employees who either have no contract and are laid off during the summer or have a contract or letter of agreement which does not state it is an annual contract or agreement and does not require the employee to work during the summer.
- b) The income expected to be received during the first thirty days shall be used to determine eligibility and the amount of the assistance grant.

c) A determination of eligibility shall be conducted at the beginning of the academic year if the employee received a raise. For the determination of eligibility, income expected to be received during the first payment month for which a grant change could be effected shall be considered. The income is not averaged.

d) Determination of eligibility and the amount of the assistance grant shall be based on the income which the client expects to receive during the payment budget month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.118 Termination of Employment

If a recipient reports and verifies that employment has ended, income will be budgeted prospectively for the month following the receipt of the last paycheck received--during--all--budget--months--will--be--used--to--determine--the--grant--in--all--corresponding--payment--months.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 113.304 Retrospective Budgeting

a) All AABD recipients shall have income budgeted on a prospective retrospective basis.

b) Eligibility for AABD is first determined on a prospective basis--for all--eligibility--factors--if--eligible--on--this--prospective--basis--the actual--amount--of--benefits--the--unit--is--entitled--to--receive--shall--be determined--by--budgeting--income--retrospectively--At--intake--however, income--shall--be--budgeted--prospective--for--two--months--before--beginning retrospective--budgeting--in--the--third--month.

c) The budget month is the calendar month from which the Department uses income--to--determine--the--amount--of--assistance--the--unit--is--entitled--to--receive. The payment month is the calendar month which the assistance grant covers. The--payment--month--is--the--second--calendar--month

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Proposed Action:
121.55 Amend
121.92 Amend

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to make budgeting policy for all cash and food stamp programs uniform. This rulemaking will make budgeting policy simpler and reduce the number of errors due to budgeting inconsistencies. With this change, all cash and food stamp eligibility and benefit amounts will be computed prospectively.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.63	Amendment	2/9/01 - Ill. Reg. 2439
121.63	Amendment	3/9/01 - Ill. Reg. 3707

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217)785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121.

FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Services
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt From Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hour Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Income From Rental Property

121.53 Earned Income In-Kind

121.54 Sponsors of Aliens

121.55 Assets

121.58 Exempt Assets

121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

- 121.60 Net Monthly Income Eligibility Standards
- 121.61 Gross Monthly Income Eligibility Standards
- 121.62 Income Which Must Be Annualized
- 121.63 Deductions From Monthly Income
- 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

- 121.70 Composition of the Assistance Unit
- 121.71 Living Arrangement
- 121.72 Nonhousehold Members
- 121.73 Ineligible Household Members
- 121.74 Strikers
- 121.75 Students
- 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification to Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.132 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic
 Treatment Centers
 121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
 121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
 121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
 121.170 Job Search Component
 121.172 Basic Education Component
 121.174 Job Readiness Component
 121.176 Work Experience Component
 121.177 Illinois Works Component
 121.178 Job Training Component
 121.179 JTPA Employability Services Component
 121.180 Grant Diversion Component (Repealed)
 121.182 Earnfare Component
 121.184 Sanctions
 121.186 Good Cause for Failure to Cooperate
 121.188 Supportive Services
 121.190 Conciliation and Fair Hearings
 121.200 Types of Claims (Recodified)
 121.201 Establishing a Claim for Intentional Violation of the Program
 (Recodified)
 121.202 Establishing a Claim for Unintentional Household Errors and
 Administrative Errors (Recodified)
 121.203 Collecting Claim Against Households (Recodified)
 121.204 Failure to Respond to Initial Demand Letter (Recodified)
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
 121.206 Determination of Monthly Allowment Reductions (Recodified)
 Failure to Make Payment with Repayment Schedule
 (Recodified)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.208 Suspension and Termination of Claims (Recodified)
 SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section
 121.220 Work Requirement Components
 121.221 Meeting the Work Requirement with the Earnfare Component
 121.222 Volunteer Community Work Component
 121.223 Work Experience Component
 121.224 Supportive Service Payments to Meet the Work Requirement
 121.225 Meeting the Work Requirement with the Illinois Works Component
 121.226 Meeting the Work Requirement with the JTPA Employability Services
 Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by
 Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6
 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective
 February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979;
 amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill.
 Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230,
 effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October
 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended
 at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg.
 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3,
 p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p.
 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective
 February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980;
 emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980; for
 maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2,
 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at
 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131,
 effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15,
 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended
 at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill.
 Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective
 October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981;
 amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg.
 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1,
 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill.
 Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318,
 effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1,
 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill.
 Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill.
 Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg.
 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective
 October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 16960, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15882, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 13, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 13, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 15 Ill. Reg. 1577, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2509, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 3626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3774, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13553, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121-55 Sponsors of Aliens

- a) A sponsor is a person who signed an affidavit or other statement accepted by the Immigration and Naturalization Service (INS) agreeing to support an alien as a condition of the alien's admission for permanent residence. A sponsor is an individual, not an organization. Portions of sponsor's income and assets are deemed available to the alien for three years after the alien's date of entry into the United States (see subsection 121-55(i)). The alien's date of entry is the date established by the INS as the date the alien was admitted for permanent residence in the United States. The following individuals are excluded from the provisions of this rule:
 - 1) an alien who is participating in the Food Stamp program as a member his or her sponsor's household;
 - 2) an alien whose sponsor is participating in the Food Stamp program separate and apart from the alien;
 - 3) an alien who is sponsored by an organization or group as opposed to an individual; or
 - 4) an alien who is not required to have a sponsor under the Immigration and Nationality Act (8 USC 8-8-6- 1101(a)(15) and 1101(a)(20)). This includes but is not limited to a refugee, a parolee, one granted asylum and a Cuban or Haitian entrant.
- b) Certain amounts of the gross income and assets of the sponsor or sponsor's spouse, if they live together, are deemed available (see subsection 121-55(i)) as unearned income and assets of the individual alien applying for or receiving food stamp benefits if:
 - 1) the sponsor signed an affidavit of support or a similar agreement on or after February 1, 1983, assuring the alien will not become a public charge; and
 - 2) the alien has been a resident of the United States for less than three (3) years.
- c) The gross income and assets of the sponsor's spouse if living with the sponsor will be counted even if the sponsor and spouse married after the agreement was signed (see subsection 121-55(i)).
- d) The gross income of the sponsor and the sponsor's spouse will be counted even if the sponsor claims to have given up sponsorship responsibility.
- e) Sponsorship Duration
 - 1) The sponsorship responsibility continues until:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) the three-year sponsorship period expires; or
- B) the alien obtains a new sponsor; or
- C) the sponsor dies.
- 2) When the alien obtains another sponsor, the Department will recalculate deemed income/assets using the new sponsor's income and assets.
- f) If two or more aliens are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the aliens applying for or receiving Food Stamp Food-Stamp benefits.
- g) Alien Responsibility
 - 1) It is the responsibility of the alien to:
 - A) provide the Department with any information or documentation necessary to determine the income and assets of the sponsor (e.g., pay stubs of earned income, checking and saving accounts statements);
 - B) obtain the necessary cooperation (in accordance with Section 121-5) of the sponsor in determining the amount of the sponsor's available income;
 - C) provide the Department with the names of other aliens that the sponsor has signed an agreement to support, for the purpose of prorating the sponsor's deemed income;
 - D) report any changes in the sponsor's income, source of income, assets and number of dependents which directly affect the eligibility and benefit level of the alien;
 - E) report a change in sponsors and all required information regarding the new sponsor's income, spouse, assets and dependents;
 - F) report the death of the sponsor.
 - 2) The alien is not eligible until income/asset information is received. However, if the alien or the alien's sponsor receives AFPC the information concerning the sponsor's income and assets is taken from the AFPC case record.
- h) Department's Responsibility:
 - Obtain from the alien, the alien's spouse, the sponsor or the sponsor's spouse, or from the AFPC record and document:
 - 1) The gross income and assets of the alien's sponsor and the sponsor's spouse (if living with the sponsor) for the fiscal month of the alien's application for Food Stamp Food-Stamp benefits.
 - 2) The names of other aliens for whom the sponsor has signed an affidavit of support or similar agreement, for the purpose of prorating the sponsor's deemed income.
 - 3) The provision of the Immigration and Nationality Act under which the alien was admitted.
 - 4) The date of the alien's entry or admission as a lawful permanent resident as established by the INS.
 - 5) The alien's date of birth, place of birth and alien registration number.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) The number of dependents claimed or that could be claimed for Federal income tax purposes by the sponsor and the sponsor's spouse (if living with sponsor).
- 7) The name, address and phone number of the alien's sponsor.
- i) Determination of a Sponsor's Available Income
The income of the sponsor and the sponsor's spouse (if they live together) includes all gross income except for exempt income listed in Sections 121.31 and 121.50. Income deemed available from the sponsor and the sponsor's spouse is budgeted monthly. If the sponsor and/or the sponsor's spouse receive income on a yearly basis, the income is divided by 12 to arrive at the monthly amount of income to deem available to the alien.
- 1) Determine the gross earned income of the sponsor and the sponsor's spouse for the fiscal month of application.
- 2) Determine net earned income by multiplying the total gross earned income by 84%.
- 3) Add the unearned income of the sponsor and sponsor's spouse to the net earned income.
- 4) ~~At~~ Deduct the Gross Monthly Income Eligibility Standard for a household equal in size to the sponsor, the sponsor's spouse and any other person claimed or that could be claimed by the sponsor or the sponsor's spouse for income tax purposes.
- 5b) Income remaining is deemed available to the alien.
- 65) Divide the sponsor's deemed income by the number of named aliens who apply for or participate in the Food Stamp program Program.
- 76) Determine the sponsor and the sponsor's spouse income using Prospective retrospective budgeting in accordance with Section 121.92.

j) Determination of Sponsor's Assets
The total amount of assets available to the alien is the total of non-exempt assets of the sponsor and the sponsor's spouse minus \$1,500.00. If the individual is sponsoring more than one alien, divide the deemed assets by the number of named aliens who apply for or participate in the Food Stamp Program Program.

k) Overissuance Due to Incorrect Sponsor Information
1) The sponsor and/or the alien is responsible for repayment of overissuance of coupons as a result of incorrect information provided by the sponsor. If the alien's sponsor had good cause or was without fault (see Section 121.200(b)) for supplying incorrect information, the alien's household is responsible for repayment.

2) If the sponsor did not have good cause, the Department will decide whether to establish a claim for overissuance against the sponsor or alien, or both (see Section 121.200(a) and 121.150 through 121.154).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 121.92 Retrospective Budgeting

- a) At initial application, income and attendant circumstances shall be budgeted on a prospective basis before beginning retrospective budgeting. Shelter costs shall be prospectively budgeted at all times.
- ab) All food stamp households except migrant households who are in the migrant job stamp households where all adult members are elderly or disabled as defined in Section 121.61 and having no earned income or having only exempt earned income, households where all members are homeless and cases in quarterly reporting shall have income and attendant circumstances except shelter costs budgeted on a prospective retrospective basis. Shelter costs shall be prospectively budgeted.
- c) For households where the head of the household receives cash assistance from the Department eligibility for food stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances except shelter costs retrospectively. Shelter costs shall be budgeted prospectively for WAP and RRA households eligible on a prospective basis. The benefit amount is computed in the same manner as the cash payment beginning the second regular month of cash assistance.
- d) For households where the head of the household does not receive cash assistance from the Department eligibility and the amount of benefits shall be determined retrospectively. Shelter costs shall be budgeted prospectively.
- e) If a household becomes ineligible for food stamps due to a periodic increase in recurring income the household shall be suspended for a month rather than terminated.
- bf) The budget month is the fiscal month from which the Department uses actual income and attendant circumstances except shelter costs which are budgeted prospectively to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month following the budget month for cases subject to retrospective budgeting.
- cg) The budget month and payment month for each food stamp case is determined by the schedule in which the household is placed in. The which schedule also governs the approximate availability date of the food stamp benefits.

SCHEDULE NUMBER	BUDGET MONTH-AND PAYMENT MONTH DATES
00	1st through Last Day of Calendar Month
01	1st through Last Day of Calendar Month

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

02 1st through last Day of Calendar Month
03 1st through last Day of Calendar Month
04 7th through 6th Day of Calendar Month
05 10th through 9th Day of Calendar Month
06 14th through 13th Day of Calendar Month
07 17th through 16th Day of Calendar Month
08 20th through 19th Day of Calendar Month
09 22nd through 21st Day of Calendar Month
22 1st through last Day of Calendar Month

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Proposed Action:

114.201 Amendment
114.202 Amendment
114.203 Amendment
114.204 Amendment
114.220 Amendment
114.226 Amendment
114.227 Amendment
114.228 Amendment
114.229 Amendment
114.246 Amendment
114.247 Amendment
114.404 Amendment
114.405 Amendment

4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (305 ICS 5/Art. VI and 12-13).

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to make budgeting policy for all cash and food stamp programs uniform. This rulemaking will make budgeting policy simpler and reduce the number of errors due to budgeting inconsistencies. With this change, all cash and food stamp eligibility and benefit amounts will be computed prospectively.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield, Illinois 62762
 (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE B9: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114

GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

114.1 Description of the Assistance Program
 114.2 Determination of Not Eligible
 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

114.9 Client Cooperation
 114.10 Citizenship
 114.20 Residence
 114.30 Age
 114.40 Relationship
 114.50 Living Arrangement
 114.52 Social Security Numbers
 114.60 Work Registration Requirements (Outside City of Chicago only)
 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
 114.62 Job Service Registration (Outside City of Chicago only)
 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
 114.70 Initial Employment Expenses (Outside City of Chicago only)
 114.80 Downstate General Assistance Work and Training Programs
 114.85 Downstate General Assistance - Food Stamps Employment and Training Pilot Project
 114.90 Project Chance Participation/Cooperation Requirements (Renumbered)
 114.100 General Assistance Jobs Program (Repealed)
 114.101 Persons Ineligible for TANF Due to Time Limits

SUBPART C: PROJECT ADVANCE

Section

114.108 Project Advance (Repealed)
 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

114.111 Project Advance Sanctions (Repealed)
 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
 114.115 Individuals Exempt From Project Advance (Repealed)
 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section
 114.120 Employment and Training Requirements
 114.121 Persons Required to Participate in Project Chance (Repealed)
 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
 114.125 Employment and Training Program Orientation (Repealed)
 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
 114.127 Employment and Training Program Components (Repealed)
 114.128 Employment and Training Sanctions (Repealed)
 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
 114.130 Employment and Training Supportive Services (Repealed)
 114.135 Conciliation and Fair Hearings (Repealed)
 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section
 114.200 Unearned Income
 114.201 Budgeting Unearned Income
 114.202 Budgeting Unearned Income of Applicants **Receiving Income On Date of Application And/or Date of Decision**
 114.203 Initial Receipt of Unearned Income
 114.204 Termination of Unearned Income
 114.210 Exempt Unearned Income
 114.220 Education Benefits
 114.221 Unearned Income In-Kind
 114.222 Earnmarked Income
 114.223 Lump-Sum Payments
 114.224 Protected Income
 114.225 Earned Income
 114.226 Budgeting Earned Income
 114.227 Budgeting Earned Income of Applicants **Receiving Income On Date of Application And/or Date of Decision**
 114.228 Initial Employment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

114.229 Termination of Employment
 114.230 Exempt Earned Income
 114.235 Recognized Employment Expenses
 114.240 Income From Work/Study/Training Program (Repealed)
 114.241 Earned Income From Self-Employment
 114.242 Earned Income From Roomer and Boarder
 114.243 Earned Income From Rental Property
 114.244 Earned Income In-Kind
 114.245 Payments from the Illinois Department of Children and Family Services
 114.246 Budgeting Earned Income for Per Contractual Employees
 114.247 Budgeting Earned Income for Per Non-contractual School Employees
 114.250 Assets
 114.251 Exempt Assets
 114.252 Asset Disregards
 114.260 Deferral of Consideration of Assets (Repealed)
 114.270 Property Transfers (Repealed)
 114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
 114.350 Payment Levels
 114.351 Payment Levels in Group I Counties
 114.352 Payment Levels in Group II Counties
 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
 114.400 Persons Who May Be Included In the Assistance Unit
 114.401 Eligibility of Strikers
 114.402 Special Needs Authorizations (Repealed)
 114.403 Institutional Status
 114.404 Retrospective Budgeting
 114.405 Budgeting Schedule
 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
 114.408 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
 114.420 Redetermination of Eligibility
 114.430 Extension of Medical Assistance Due to Increased Income from Employment
 114.440 Attorney's Fees for VA Appellants
 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 114.450 Child Care (Repealed)
 114.452 Child Care Eligibility (Repealed)
 114.454 Qualified Provider (Repealed)
 114.456 Notification of Available Services (Repealed)
 114.458 Participant Rights and Responsibilities (Repealed)
 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 114.464 Rates of Payment for Child Care (Repealed)
 114.466 Method of Providing Child Care (Repealed)

SUBPART 1: TRANSITIONAL CHILD CARE

- Section
 114-500 Transitional Child Care Eligibility (Repealed)
 114-504 Duration of Eligibility for Transitional Child Care (Repealed)
 114-506 Loss of Eligibility for Transitional Child Care (Repealed)
 114-508 Qualified Provider (Repealed)
 114-510 Notification of Available Services (Repealed)
 114-512 Participant Rights and Responsibilities (Repealed)
 114-514 Child Care Overpayments and Recoveries (Repealed)
 114-516 Fees for Service for Transitional Child Care (Repealed)
 114-518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 32, p. 339, effective August 18, 1979; amendment at 3 Ill. Reg. 35, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 36, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 36, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8459, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435; effective June 27, 1984; amended at 8 Ill. Reg. 13191, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 19791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20869, effective December 14, 1987; amended at 12 Ill. Reg. 869, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 8438, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 813, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15059, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999, emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.201 Budgeting Unearned Income

- a) Budgeting is the method by which nonexempt income (see Sections 114.210 and 114.230 for exempt income) is compared to the applicable payment levels (as contained in Sections 114.350 and 114.351 to 114.353) to determine the amount of the monthly assistance payment for the assistance unit.
 - b) Monthly unearned income of a client is budgeted on the basis of the income anticipated to be ~~which the client reports as~~ received during the ~~payment~~ budget month (see Section 114.404).
 - c) If recipient has more than one source of unearned income, the monthly income shall be calculated from all nonexempt sources.
- (Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 114.202 Budgeting Unearned Income of Applicants Receiving Income on Date of Application and/or Date of Decision

- a) The unearned income received or expected to be received during a 30 ~~thirty~~ day period commencing with the day of application shall be considered in the determination of eligibility.
- b) If the client is eligible, the amount of his initial prorated entitlement period (IPE) grant shall be based on the nonexempt income which the client expects to receive during the IPE period. The IPE period is the period of time from when assistance first begins to the time recipient receives the first regular grant.
- c) ~~If the IPE period is less than 60 days, the amount of the first regular grant shall be based on the income which the client expects to receive during the first payment month following the IPE period.~~
- d) ~~If the IPE period is 60 days or more, the amount of the first regular grant shall be based on the income which the client receives or expects to receive during the corresponding budget month.~~
- e) For the months following the IPE, and first regular grant, the amount of each grant shall be based on the amount of nonexempt income anticipated to be received during the payment corresponding budget month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.203 Initial Receipt of Unearned Income

- a) When a recipient reports that he has begun receiving unearned income, a determination of continued eligibility shall be made.
- b) Nonexempt non-exempt income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.
- c) If the recipient remains eligible, the income anticipated to be received during the payment budget month shall be budgeted for the payment month.
- d) If a recipient fails to report that he has begun to receive unearned income, a determination of eligibility shall be conducted when the Department learns of the receipt. The Department shall also determine at that time whether there has been overpayment (in accordance with 89 Ill. Adm. Code 102.100).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.204 Termination of Unearned Income

If a recipient reports and verifies that unearned income has ended, income will be budgeted prospectively for the month following the receipt of the last

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 114.220 Education Benefits

unearned income benefit received during all budget months will be used to determine the grant in all corresponding payment months.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

a) Income from loans, grants, scholarships, veteran's educational benefits and similar educational benefits is considered available income except:

- 1a) that portion of an educational benefit paid directly to the school for items necessary for school attendance (as determined and as verified by the school in order to fulfill particular course requirements), such as tuition, books, fees and equipment, is exempt. For persons participating in a DHS approved project, chance approved education and training plan, educational benefits used to pay expenses (e.g., tuition, books, fees, etc.) are exempt whether paid to the school or directly to the client (see Section 114.127(b)).

2b) Income from educational loans and grants made or insured under any program administered by the Secretary of the Department of Education shall be completely exempt whether the grant is paid directly Secretary of the Department of Education, shall be completely exempt whether the grant is paid directly to the school, schools or to the student. These educational loans and grants include the National Direct Student Loans, Basic Educational Opportunity Grant, Supplementary Educational Opportunity Grants, Work Study Grants, and the Guaranteed Loan Program.

c) the amount of an educational benefit that is not exempt and is considered available income shall be budgeted using retrospective budgeting procedures. These payments are budgeted in the second month after receipt. If these payments plus other nonexempt income exceeds the grant amount, the individual is ineligible for that month.

bd) Non-exempt income from college work-study is budgeted as nonexempt non-exempt earned income.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.226 Budgeting Earned Income

- a) Budgeting is the method by which nonexempt income (see Sections 114.210 and 114.230 for exempt income) is compared to the applicable payment levels (as contained in Sections 114.350 and 114.351 to 114.353) to determine the amount of the monthly assistance payment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- for the assistance unit.
- b) Monthly earned income of a client is budgeted on the basis of the income which the client anticipates to be reports as received during the payment budget month (see Section 114.404).
- c) If a recipient has more than one employer, the monthly income shall be calculated from all jobs.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.227 Budgeting Earned Income of Applicants Receiving Income-On-Date of Application-And/or-Date-of-Decision

- a) The earned income received or expected to be received during a 30 thirty day period commencing with the day of application shall be considered in the determination of eligibility.
- b) If the client is eligible, the amount of his initial prorated entitlement period (IPE) grant shall be based on the nonexempt income which the client expects to receive during the IPE period. The IPE period is the period of time from when assistance first begins to the time the recipient receives the first regular grant.
- c) If the IPE period is less than 60 days, the amount of the first regular grant shall be based on the income which the client expects to receive during the first payment month following the IPE period.
- d) If the IPE period is 60 days or more, the amount of the first regular grant shall be based on the income which the client receives or expects to receive during the corresponding budget month.
- e) For the months following the IPE, and first regular grant, the amount of the grant shall be based on the amount of nonexempt income anticipated to be received during the payment corresponding budget month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.228 Initial Employment

- a) When a recipient reports that he has begun employment, a determination of continued eligibility shall be made.
- b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.
- c) If the recipient remains eligible, the income anticipated to be received during the payment budget month shall be budgeted for the payment month.
- d) If a recipient fails to report that he has begun to work, a determination of eligibility shall be conducted when the Department learns of the employment. The Department shall also determine at that time whether there has been overpayment (in accordance with 89 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 102.100).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.229 Termination of Employment

If a recipient reports and verifies that employment has ended, income will be budgeted prospectively for the month following the receipt of the last payment received during a budget month will be used to determine the grant-in-aid corresponding payment month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.246 Budgeting Earned Income for For Contractural Employees

a) Contractural employees are:

- 1) construction workers with a written agreement to perform a task for specified compensation;
 - 2) teachers;
 - 3) substitute teachers in some school systems;
 - 4) educational administrators; and
 - 5) any person whose job duties and compensation are specified for a distinct time period by a written agreement.
- b) The contractual income shall be averaged over the total period of the contract. This shall be done even though the income may be received in fewer months than are covered by contract.
- c) Determination of eligibility shall be based on the averaged monthly income.
- d) The amount of the assistance grant shall be based on the income which the client anticipates to be received according to the contract during the payment budget month.
- e) A determination of eligibility shall be conducted when the recipient's contract is renegotiated. For school employees, a determination of eligibility shall be conducted at the beginning of the academic year if the employee received a raise.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.247 Budgeting Earned Income for Non-contractural School Employees

a) Non-contractural school employees are:

- 1) teachers aides;
- 2) school secretaries and other clerical workers;
- 3) school cafeteria workers;

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

assistance-occurred:-

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 114.405 Budgeting Schedule

- a) The budget-month-and payment month for each GA case is are determined by the schedule in which the unit is placed in the which schedule the unit is in also governs the approximate mailing date of the assistance grant.?

SCHEDULE BUDGET-MONTH-AND
NUMBER PAYMENT MONTH DATES

01	1st through last Day of Calendar Month
02	1st-through-last-Day-of-Calendar-Month
03	1st 2nd through last Day 1st of next Calendar Month
04	3rd-through-2nd-of-next-Calendar-Month-
05	5th-through-4th-of-next-Calendar-Month-
0496	7th through 6th of next Calendar Month
07	8th-through-7th-of-next-Calendar-Month-
08	9th-through-8th-of-next-Calendar-Month-
0599	10th through 9th of next Calendar Month
10	12th-through-11th-of-next-Calendar-Month
11	12th-through-12th-of-next-Calendar-Month
0612	14th through 13th of next Calendar Month
13	16th through 15th of next Calendar Month
0714	17th through 16th of next Calendar Month
15	19th-through-18th-of-next-Calendar-Month
0816	20th through 19th of next Calendar Month
17	21st-through-20th-of-next-Calendar-Month
0918	22nd through 21st of next Calendar Month
19	24th-through-23rd-of-next-Calendar-Month
20	26th-through-25th-of-next-Calendar-Month

- b) The above table applies to all GA units, and The the assistance grant is issued mailed at or near the beginning of the payment month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 4) school custodians; and
5) other school employees who either have no contract and are laid off during the summer or have a contract or letter of agreement that which does not state it is an annual contract or agreement and does not require the employee to work during the summer.
b) The income expected to be received during the first 30 thirty days after application shall be used to determine eligibility and the amount of the assistance grant for the first payment month.
c) A redetermination of eligibility shall be conducted at the beginning of the academic year if the employee received a raise. For the determination of eligibility, income expected to be received during the first payment month for which a grant change could be effected shall be considered. The income is not averaged.
d) Determination of eligibility and the amount of the assistance grant shall be based on the income anticipated to be which--the-client received during the payment budget month.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART G: OTHER PROVISIONS

Section 114.404 Retrospective Budgeting

- a) All CA recipients shall have income and attendant circumstances budgeted on a Prospective retrospective basis.
b) The payment month is the fiscal month the assistance grant covers.
b) Eligibility for GA is first determined on a prospective basis for all eligibility factors: if eligible on this prospective basis--the actual amount-of-benefits--the unit is entitled to receive--shall be determined--by--budgeting--income--and--attendant--circumstances retrospectively--Ab--intake--however--income--and--attendant circumstances shall be budgeted prospectively for two--months--before beginning retrospective budgeting in the third month.
c) The budget--month--is the fiscal month from which the Department uses income--and--attendant--circumstances--to--determine--the amount--of assistance--the unit is entitled to receive in the payment month--the payment month--is the fiscal month which the assistance grant covers--the payment month--is--the--second--fiscal--month--following--the--budget month--
d) There is no quarterly monthly reporting requirement in GA. Once a determination of a client's nonexempt non-exempt income is made, it is presumed to remain the same, unless the Department learns of a change in income through notification by the client, periodic redetermination or some other means.
e) When a recipient whose assistance is discontinued--reapplies--for--the same--fiscal--month--assistance--was discontinued, the Department will continue to budget income retrospectively as--if--no--interruption--in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:

112.105 Amendment

112.106 Amendment

112.107 Amendment

112.108 Amendment

112.303 Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to make budgeting policy for all cash and food stamp programs uniform. This rulemaking will make budgeting policy simpler and reduce the number of errors due to budgeting inconsistencies. With this change, all cash and food stamp eligibility and benefit amounts will be computed prospectively.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

112.1 Amendment 3/30/01 - 25 Ill. Reg. 4380

112.151 Amendment 3/30/01 - 25 Ill. Reg. 4380

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62762
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.139 Exempt Earned Income
 112.140 Earned Income Exemption
 112.141 Exclusion From Earned Income Exemption
 112.142 Recognized Employment Expenses
 112.143 Income from Work-Study and Training Programs
 112.144 Earned Income From Self-Employment
 112.145 Earned Income From Roomer and Boarder
 112.146 Income From Rental Property
 112.147 Payments from the Illinois Department of Children and Family Services
 112.148 Earned Income In-Kind
 112.149 Assets
 112.150 Exempt Assets
 112.151 Asset Disregards
 112.152 Deferral of Consideration of Assets
 112.153 Property Transfers (Repealed)
 112.154 Income Limit
 112.155

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels
 112.252 Payment Levels in Group I Counties
 112.253 Payment Levels in Group II Counties
 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

to 8/22/96
 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
 112.309 Institutional Status
 112.310 Child Care for Representative Payees
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.356 Notification of Available Services (Repealed)
 112.358 Participant Rights and Responsibilities (Repealed)
 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 321, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 772, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 772, effective January 26, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10133, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective June 2, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 2, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17144, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15867, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17627, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUPPARTS C, D and E recodified to SUPPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 11 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10483, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8367, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14277, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11552, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13029, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17744, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 645, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 3648, effective March 30, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 398, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.105 Budgeting Unearned Income

- a) Budgeting is the method by which nonexempt ~~non-exempt~~ income is compared to the applicable payment levels (as contained in Sections 112.252 to 112.254) plus additional income maintenance needs to determine the amount of the monthly assistance payment for the assistance unit.
- b) Monthly unearned income of a client is budgeted on the basis of the nonexempt income which the client is anticipated to receive during the payment month reports-as-received during the budget-month.
- c) If a recipient has more than one source of unearned income, the monthly income shall be calculated from all sources.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 112.106 Budgeting Unearned Income of Applicants Receiving income--on Date-of-application _____, effective _____

- a) The unearned income received or expected to be received during a 30 thirty day period commencing with the day of application shall be considered in the determination of eligibility.
- b) If the client is eligible, the amount of his initial prorated entitlement period (IPE) grant shall be based on the income which the client expects to receive during the IPE period. The IPE period Period is the period of time from when assistance first begins to the time the recipient receives the first regular grant.
- c) If the first regular grant is received during the first regular grant, regular grant shall be based on the income which the client expects to receive during the first regular grant.
- d) If the IPE-period is 60-days or more, the amount of the first-regular grant shall be based on the income which the client expects to receive during the first regular grant.
- e) For the months following the IPE, and first-regular-grant, the amount of the grant shall be based on the amount of nonexempt income anticipated to be received during the payment corresponding--budget month.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 112.107 Initial Receipt of Unearned Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) When a recipient reports that he has begun receiving unearned income, a determination of continued eligibility shall be made.
- b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.
- c) If the recipient remains eligible, the nonexempt income anticipated to be received during the payment budget month shall be budgeted for the payment month.
- d) If a recipient fails to report that he has begun to receive unearned income, a determination of eligibility shall be conducted when the Department learns of the receipt. The Department shall also determine at that time whether there has been overpayment (in accordance with _____).

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 112.108 Termination of Unearned Income

If a recipient reports and verifies that unearned income has ended, income will be budgeted prospectively for the month following the receipt of the last _____.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

39 0000

on a prospective basis

... At this time, however, income--and--attend-

assistance-unit-is-entitled-to-receive the payment month is the fiscal month which the assistance unit covers.

d) When a recipient whose assistance-

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

is budgeted--retrospectively--as--if--no--interruption--in--assistance
occurred.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF HUMAN RIGHTS
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Housing Discrimination

2) Code Citation: 71 Ill. Adm. Code 2300

3) Section Number: Proposed Action:
2300.10 Amendment
2300.35 New Section

4) Authority: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A), of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments revise a definition to include all the protected bases provided in the Illinois Human Rights Act. The amendments also clarify an exemption to Article III concerning housing for older persons.

6) Will these proposed amendments replace an emergency rulemaking currently in effect? No

7) Does the rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendment would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments to:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago IL 60601
Telephone: 312-814-6242
T.D.D.: 312-263-1579

Comments must be in writing and filed within 45 days of the date of this issue of the *Illinois Register*. If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Businesses participating in real estate transactions or which serve as the owner or agent of a housing accommodation.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department of Human Rights was not aware of the need for the amendments.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTS

PART 2300

HOUSING DISCRIMINATION

Section	Definitions
2300.10	Definitions
2300.30	Exemptions
2300.35	Housing for Elderly Persons
2300.50	Dismissal for Refusal to Accept Settlement Offer
2300.70	Procedures
2300.80	Rental of Rooms in a Private Home
2300.90	Real Estate Transactions

AUTHORITY: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A), of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)].

SOURCE: Adopted at 16 Ill. Reg. 8178, effective May 19, 1992; amended at 25 Ill. Reg. 2420, effective January 23, 2001; amended at 25 Ill. Reg. _____, effective _____.

Section 2300.10 Definitions

Act--the Illinois Human Rights Act [775 ILCS 5].

Aid, abet, compel or coerce--includes threatening, intimidating or interfering with a real estate transaction or a person for pursuing any right protected under Article 3 of the Act ~~person's enjoyment of a housing--accommodation~~. Such conduct must be: because of unlawful discrimination; because that person has aided or encouraged another person in the exercise or enjoyment of a right protected under Article 3; or because of the race, color, religion, national origin, ancestry, citizenship status, age, sex, marital status, handicap, familial status or unfavorable discharge from the military of visitors or associates of any such person persons.

Department--the Illinois Department of Human Rights.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 2300.35 Housing for Elderly Persons

To ascertain whether housing for the elderly provided under a federal program is "specifically designed to assist elderly person", pursuant to Section 3-106(I)(1)(a) of the Act, the Department will obtain a determination from the

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

U.S. Department of Housing and Urban Development as to whether the housing is in accordance with federal law, regulations, and standards.

(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Incidental Taking of Endangered or Threatened Species

2) Code Citation: 17 Ill. Adm. Code 1080

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1080.10	New Section
1080.20	New Section
1080.30	New Section
1080.40	New Section
1080.50	New Section
1080.60	New Section
1080.70	New Section
1080.80	New Section

4) Statutory Authority: Implementing and authorized by Section 5.5 of the Illinois Endangered Species Protection Act (520 ILCS 10/5.5).

5) A Complete Description of the Subjects and Issues Involved: Amendments to the Endangered Species Protection Act gave the Department the authority to allow taking of endangered or threatened species when the taking is incidental to the carrying out of an otherwise lawful activity. This rule is needed to give potential applicants for incidental take authorization clear and complete instructions for the development of a conservation plan and to make those applicants aware of their obligations under the amended Act. The rule also defines the responsibilities of the Department in reviewing applications for incidental take authorization and monitoring the success of conservation plans. There has been great public interest in this process and the rule will help to satisfy the concerns of those who fear that incidental take could result in the reduction of numbers of some species.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed rules pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government by providing a permit procedure which may permit the completion of development or construction projects in areas where State threatened or endangered plant or animal species are present.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Stanley Yonkauskis, Jr.
 Department of Natural Resources
 524 S. Second Street
 Springfield IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality or not-for-profit corporation that may engage in property development or construction in areas of the State inhabited by threatened or endangered plant or animal species may be affected. The rule provides a permit be issued to facilitate such activities.
- B) Reporting, bookkeeping or other procedures required for compliance: Requires the development of a conservation plan describing how threatened or endangered species will be impacted by development or construction and outlining mitigation strategies.
- C) Types of professional skills necessary for compliance: Services provided by ecologists, engineers and biologists may be necessary for compliance.

13) Regulatory Agenda on which this rule was summarized: July 2000

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER C: ENDANGERED SPECIES

PART 1080

INCIDENTAL TAKING OF ENDANGERED OR THREATENED SPECIES

Section	
1080.10	Conservation Plan
1080.20	Notice and Review of Conservation Plans
1080.30	Comments
1080.40	Final Review
1080.50	Notice of Decision
1080.60	Effective Date, Term
1080.70	Separability, Exclusions
1080.80	Appeal, Revocation

AUTHORITY: Implementing and authorized by Section 5.5 of the Illinois Endangered Species Protection Act (420 ILCS 10/5.5).

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Section 1080.10 Conservation Plan

Incidental taking of animals shall be authorized by the Department of Natural Resources (Department) only if the applicant submits to the Department a conservation plan that satisfies all criteria established in this Part.

- a) A conservation plan submitted to the Department's Office of Resource Conservation as the application for authorization for incidental taking of an endangered or threatened species shall, at a minimum, include:

- 1) A description of the impact likely to result from the proposed taking of the species that would be covered by the authorization, including but not limited to:
 - A) legal description and map of the area to be affected by the proposed action and indicia of ownership or control of affected property;
 - B) biological data on the affected species; on request of the applicant, the Department shall provide biological data in the Department's possession on the affected species;
 - C) description of the activities that will result in taking of an endangered or threatened species; and
 - D) explanation of the anticipated adverse effects on listed species.
- 2) Measures the applicant will take to minimize and mitigate that impact and the funding that will be available to undertake those measures, including, but not limited to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- A) plans to minimize the area affected by the proposed action, the estimated number of individuals of an endangered or threatened species that will be taken and the amount of habitat affected;
 - B) plans for management of the area affected by the proposed action that will enable continued use of the area by endangered or threatened species;
 - C) description of all measures to be implemented to minimize or mitigate the effects of the proposed action on endangered or threatened species;
 - D) plans for monitoring the effects of measures implemented to minimize or mitigate the effects of the proposed action on endangered or threatened species;
 - E) projected costs for each measure that will minimize or mitigate the effects of the proposed action on endangered or threatened species;
 - F) adaptive management practices that will be used to deal with changed or unforeseen circumstances that affect the effectiveness of measures instituted to minimize or mitigate the effects of the proposed action on endangered or threatened species; and
 - G) verification that adequate funding exists to support and implement all mitigation activities described in the conservation plan. This may be in the form of bonds, certificates of insurance, escrow accounts or other financial instruments adequate to carry out all aspects of the conservation plan.
- 3) A description of alternative actions the applicant considered that would not result in take, and the reasons that each of those alternatives was not selected. A "no-action" alternative shall be included in this description of alternatives.
 - 4) Data and information to indicate that the proposed taking will not reduce the likelihood of the survival of the endangered or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part or the habitat essential to the species existence in Illinois.
 - 5) An implementing agreement, which shall include, but not be limited to:
 - A) the names of all participants in the execution of the conservation plan;
 - B) the obligations and responsibilities of each of the identified participants with schedules and deadlines for completion of activities included in the conservation plan and a schedule for preparation of progress reports to be provided to the Department;
 - C) certification that each participant in the execution of the conservation plan has the legal authority to carry out their respective obligations and responsibilities under the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- D) assurance of compliance with all other Federal, State and local regulations pertinent to the proposed action and to execution of the conservation plan; and
 - E) copies of any final federal authorizations for a taking already issued to the applicant, if any.
- b) The Department, after review and public comment, may require additional measures as necessary or appropriate to the success of the conservation plan. Requirements for additional measures shall be based on the life history needs of the species involved.
 - c) A Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service pursuant to Section 10 of the Endangered Species Act of 1973 [26 USC 1531], and amendments thereto, may be submitted in lieu of the conservation plan described in this Section.
 - d) Authorization to take an endangered or threatened species under the terms of a biological opinion issued by the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973 [26 USC 1536], and amendments thereto, or regulations implementing Section 7 [50 CFR 402] may be submitted in lieu of the conservation plan described in this Section.

Section 1080.20 Notice and Review of Conservation Plans

- a) After receipt of a conservation plan, the Department shall, within 30 days, review the conservation plan to determine if all required information has been provided by the applicant and:
 - 1) acknowledge receipt of the complete conservation plan in writing; or
 - 2) notify the applicant in writing of any deficiencies in the conservation plan and provide the applicant an opportunity to supply additional information to the Department.
- b) When the applicant is notified by the Department that the conservation plan is complete as notified in this part, the applicant shall place a notice in a local newspaper of general circulation in the locality of the proposed action at least once a week for 3 consecutive weeks. At least 14 days shall elapse between the first and last publications of the notice. The notice shall also be published one time in the official State newspaper, concurrent with the first publication in a local newspaper of general circulation. A copy of the notice as it will appear in the newspaper shall be submitted to the Department for approval before the first publication. The notice shall include, at a minimum, the following:
 - 1) the name and mailing address of the applicant;
 - 2) a map or description that clearly shows or describes the precise location and boundaries of both the area to be affected by the proposed project and any areas to be affected by provisions of the conservation plan and is sufficient to enable local residents to readily identify the subject areas. It must include towns,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

bodies of water, local landmarks, or any other information that would identify the subject areas. If a map is used, it shall indicate the north direction;

- 3) a summary of the incidental taking for which authorization is being requested;
- 4) a summary of the measures that will be instituted to minimize and mitigate the effects of the proposed incidental taking;
- 5) the location where a copy of the conservation plan is available for inspection;
- 6) the street and e-mail address of the office of the Department to which comments on the conservation plan may be submitted; and
- 7) the closing date for receipt of written comments on the conservation plan.

c) The applicant shall:

- 1) provide copies of the conservation plan to be available for review at the nearest public library in the county or counties in which the proposed action will occur and at the Springfield offices of the Department. Copies distributed for public review shall not include any trade secrets as defined by the Illinois Trade Secrets Act [765 ILCS 1065/2(d)]; and
- 2) provide copies of the conservation plan to the Executive Director of the Illinois Endangered Species Protection Board (Board).
- d) After the applicant's public notice is approved by the Department, the Department shall provide notice of the receipt of the conservation plan to any person who has requested notice.

Section 1080.30 Comments

Written comments on a conservation plan may be submitted to the Department by any person within 30 days after the last publication of the notice required by Section 1080.20(b). Comments will be accepted by electronic mail upon confirmation of authorship. The Department shall, upon receipt of written comments, transmit a copy of the comments to the applicant.

Section 1080.40 Final Review

- a) The Department's Office of Resource Conservation shall coordinate and perform the review of the conservation plan and issue the incidental take authorization pursuant to this part. The Department shall complete its review of the conservation plan within 120 days after the first publication of the notice required in Section 1080.20(b). After reviewing the conservation plan, the Department may authorize the incidental taking if the Department finds that the taking will meet all of the following requirements:

- 1) the taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity;
- 2) the parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

taking;

- 3) the parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided as described in Section 1080.10(a)(3)(C);
- 4) based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;
- 5) any additional measures, based upon the life history needs of the species involved, that the Department may require as necessary or appropriate for the purposes of the conservation plan will be performed;
- 6) the public has received notice of the availability of the conservation plan and has had the opportunity to comment before the Department made any decision regarding the authorization of incidental take; and
- 7) the Department has sought the advice of the Board and provided written response to any Board comments regarding the issuance of authorization for incidental taking and on the terms of any authorization to be issued.
- b) If the Department finds that the conservation plan does not meet the above requirements, the Department may require that a party to the conservation plan make additional assurances or agree to additional terms and conditions that the Department finds necessary to assure that the requirements in subsections (a)(1) through (a)(6) will be met before authorizing incidental taking. Requirements for inclusion of additional assurances in a conservation plan shall be based on the life history needs of the species involved. The Department shall deny an authorization for incidental taking if the conservation criteria does not meet the requirements of subsection (a) and the applicant refuses to accept the additional terms and conditions or refuses to make additional assurances determined necessary by the Department.

Section 1080.50 Notice of Decision

- a) The Department shall provide written notice to the applicant of the approval or denial of authorization for incidental taking. The written notice shall constitute the authorization for incidental taking or the denial of the authorization for incidental taking is effective as of the date of execution by the Director of the Department's Office of Resource Conservation.
- b) The Department shall make available to any person who requests it a copy of any written notice authorizing incidental taking.

Section 1080.60 Effective Date, Term

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Any authorization for incidental take issued pursuant to 520 ILCS 10/5.5 and this Part shall have an effective date and term. The term of the authorization for incidental take shall be sufficient to assure that the terms and conditions of the authorization and the measures described in the conservation plan may be fully executed and that monitoring of the effects of those measures can be carried out for a length of time that will determine their adequacy for protection and enhancement of the endangered or threatened species.

Section 1080.70 Separability, Exclusions

- a) Authorization for incidental taking shall be separate and distinct from any other action by the Department. Issuance of any permit, license or authorization by the Department under any authority other than that granted in Section 5.5 of the Illinois Endangered Species Protection Act shall not constitute authorization for incidental take. Issuance of any permit, license or authorization by the Department under any authority other than that granted in Section 5.5 of the Illinois Endangered Species Protection Act shall not be interpreted as an assurance that incidental take authorization will be issued.
- b) Certain activities that are planned, designed and executed for the benefit of one or more endangered or threatened species and may result in the incidental take of individuals of those species are exempt from the provisions of this Section. Exempt activities shall be those listed in 17 Ill. Adm. Code 1075.30(c). The Department shall have the right to require persons carrying out such activities to submit information to justify the claimed exemption from this Section.

Section 1080.80 Appeal, Revocation

- a) The applicant may appeal a denial of authorization for incidental taking. Such appeal shall be heard pursuant to Subpart C of 17 Ill. Adm. Code 2530 - Department Formal Hearings for Rulemaking and Contested Cases.
- b) Authorization issued under this Part may be revoked by the Department for failure to implement any provision of the conservation plan or its additional assurances, terms and conditions. The Department shall issue notice of the revocation and, if requested by the permittee, may conduct a hearing on the revocation pursuant to Subpart C of 17 Ill. Adm. Code 2530 - Department Formal Hearings Conducted for Rulemaking and Contested Cases. Revocation of a permit may subject the permittee to criminal penalties as provided in the Endangered Species Protection Act if a taking is found subsequent to the revocation or if the taking is proximate to the failure to implement the conservation plan.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Numbers: 570.40
Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to modify hunting opportunities at specific sites; reflect the name change for Jim Edgar Panther Creek State Fish and Wildlife Area; and add a new site.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11386, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses and subscript are denoted by brackets.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

1) All the regulations in 17 Ill. Adm. Code 510--General Hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

and trapping apply in this Section, unless this Section is more restrictive.

- 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.

- 3) Trappers must stay within assigned areas.

- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

- 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.

- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- 8) No trapping is permitted in subpondments or designated waterfowl management units during duck season.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area (all trapping closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters (water sets only)

Siebeck Forest Natural Area (water sets only)

Siloam Springs State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps (Registered Trademark), D-P (Dog-Proof) Traps (Registered Trademark), box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

~~Coffeen-Lake-State-Fish-and-Wildlife-Area~~

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

East Conant Field

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhurst Branch only

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps (Registered Trademark), D-P (Dog-Proof) Traps (Registered Trademark), box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1 1/2 inch diameter)

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

Argyle Lake State Park
Banner Marsh State Fish and Wildlife Area
Beaver Dam State Park
Big Bend Fish and Wildlife Area (after the close of rabbit season
foothold traps with a jaw spread of 7 1/2 inches or less may be
used for water sets)
Coffeen Lake State Fish and Wildlife Area
Coleta Ponds
Giant City State Park
Hennepin Canal Parkway including Mississippi Lake (trappers, must
register at park office; no floats may be set more than 14 days
prior to the season and must be removed at the conclusion of the
season; no land sets)
Horseshoe Lake State Park-Madison County
Johnson-Sauk Trail State Park
Lake Le-Aqua-Na State Park
Mackinaw River State Fish and Wildlife Area (water sets only)
Marshall County Fish and Wildlife Area
Morrison Rockwood State Park
Rice Lake Fish and Wildlife Area
Rock Cut State Park
Sam Dale Lake Conservation Area
Saughris Lake State Park
Shabbona Lake State Park
Sparland Fish and Wildlife area
Spring Lake Conservation Area (water sets only)
Starved Rock/Matthiessen State Park

Kidd Lake State Natural Area
Lake Murphysboro State Park
Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area
Mermet Lake Fish and Wildlife Area
Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land
sets accessed by land only allowed during duck season; water sets
allowed after duck season closes)
Moraine Hills State Park (water sets only; only body-gripping
traps with a jaw spread of 5 inches or less may be used; no more
than two persons may enter drawing on a single card)
Panther-Creek-Conservation Area
Peabody River King Fish and Wildlife Area (east, west, and south
subunits only)
Randolph County Conservation Area
Redwing Slough/Deer Lake State Natural Area (water sets only;
only body gripping traps with a jaw spread of 5-6 inches or less
may be used)
Sanganois Fish and Wildlife Area
State Field
Ten Mile Creek State Fish and Wildlife Area
Turkey Bluffs Fish and Wildlife Area
Washington County Conservation Area
d) Statewide regulations as provided for in this Part apply at the
following sites; in addition, a permit is required; only Egg Traps
(Registered Trademark), D-P (Dog-Proof) Traps (Registered Trademark),
box traps, cage traps, and traps of similar design may be used for
land sets; only body-gripping traps with a jaw spread of 5 inches or
less, foothold traps with a jaw spread of 4 1/2 inches or less and
square body-gripping traps with a 10 inch jaw spread may be used for
water sets (exceptions in parentheses):
Anderson Lake Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -leased or -Managed Sites

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers: 550.30
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ICS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to correct site names and amend site language to increase hunting opportunities.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rule was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.31, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16849, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10596, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

I-24 Wildlife Management Area

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (statewide seasons for coyote and striped skunk)

Johnson Sauk Trail State Recreation Area **Park** (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the site archery deer season opens; runs concurrently with the statewide fox season; and closes the earlier of either the archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing **season shall coincide with archery deer--season--on--this site**)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season or closes first Thursday after January 10, whichever comes first; coyote open concurrent with fox season; hunting hours are one half hour before sunrise until sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 23 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Panther-Creek-Conservation-Area (statewide-seasons-ter-coyote-and-striped-skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

- drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.
 - d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
 - e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
 - f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Port de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Stielbeck Forest Natural Area

Silom Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow only)

Crawford County Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (fox, striped skunk and coyote open--January--if skunk and coyote close the last day of February; .22 rimfire rifles permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons - opening of the statewide racoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Sabo Field

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; racoon only)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; racoon only)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 69 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:
120.20 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0699

5) Complete Description of the Subjects and Issues Involved: These proposed amendments respond to Public Act 91-0699 regarding the income standard for eligibility under the Medical Assistance Program. The MANG (AABO) eligibility standard is being increased to 85 percent of the Federal Poverty Level. These changes pertain to eligibility for medical benefits for public assistance clients who are aged, blind and disabled. The Department anticipates that these changes will result in a budgetary increase during fiscal year 2002 of approximately \$58.7 million.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-95 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2001

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.11

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.11
120.12

Eligibility For Medical Assistance

MANG(P) Eligibility

Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60
120.61

Cases Other Than Long Term Care, Pregnant Women and Certain Children

Cases in Intermediate Care, Skilled Nursing Care and DWEDD -

MANG(AABD) and All Other Licensed Medical Facilities

Department of Mental Health and Developmental Disabilities (DWEDD)

Approved Home and Community Based Residential Settings Under 89 Ill.

Adm. Code 140.643

Department of Mental Health and Developmental Disabilities (DWEDD)

Approved Home and Community Based Residential Settings

MANG(P) Cases

Department of Mental Health and Developmental Disabilities (DWEDD)

Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70
120.72
120.73

Supplementary Medical Insurance Benefits (SMIB) Buy-In Program

Eligibility for Medicare Cost Sharing as a Qualified Medicare

Beneficiary (QMB)

Eligibility for Medicaid Payment of Medicare Part B Premiums as a

Specified Low-Income Medicare Beneficiary (SLIMB)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

120.74 Qualified Medicare Beneficiary (QMB) Income Standard
 120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
 120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
 120.90 Migrant Medical Program (Repealed)
 120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
 120.200 Elimination of Aid to the Medically Indigent
 120.208 Client Cooperation (Repealed)
 120.210 Citizenship (Repealed)
 120.211 Residence (Repealed)
 120.212 Age (Repealed)
 120.215 Relationship (Repealed)
 120.216 Living Arrangement (Repealed)
 120.217 Supplemental Payments (Repealed)
 120.218 Institutional Status (Repealed)
 120.219 Foster Care Program (Repealed)
 120.220 Social Security Numbers (Repealed)
 120.225 Unearned Income (Repealed)
 120.230 Unearned Income (Repealed)
 120.235 Exempt Unearned Income (Repealed)
 120.236 Education Benefits (Repealed)
 120.240 Unearned Income In-Kind (Repealed)
 120.245 Earnmarked Income (Repealed)
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
 120.255 Protected Income (Repealed)
 120.260 Earned Income (Repealed)
 120.262 Budgeting Earned Income (Repealed)
 120.266 Exempt Earned Income (Repealed)
 120.270 Recognized Employment Expenses (Repealed)
 120.271 Income From Work/Study/Training Program (Repealed)
 120.272 Earned Income From Self-Employment (Repealed)
 120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Health Insurance Premium Payment (HIPP) Program
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
 120.326 Foster Care Program
 120.327 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earnmarked Income
 120.346 Medicaid Qualifying Trusts
 120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

effective September 26, 1984; permanent amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 9, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16506, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3031, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 304, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 13 Ill. Reg. 11488, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; amended at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 6, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 3862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11562, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 1, effective

SUBPART B: ASSISTANCE STANDARDS

Section 120.20 MANS(RABD) Income Standard

- a) The monthly countable income standard is 85 % of the Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG (AABD) Income Standard.

c) The MANG (AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG (AABD) Standard are considered available for payment for medical care not provided in the facility.

- 3) MANG
- A) A recipient residing in a Department of Human Services (DHS) State psychiatric hospital or developmental center is allowed \$30 per month in lieu of any other MANG standard.
- B) As soon as MANG (AABD) clients become residents of a DHS facility (see subsection (d)(1) of this Section), a skilled nursing facility, an intermediate care facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.
- C) When eligibility is based on being temporarily discharged from a DHS facility (see subsection (d)(1) of this Section) for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay DHS for care and maintenance is to be allowed in addition to the \$30.00.
- D) Clients in a long term facility are allowed deductions from their non-SSI income to meet the needs of their community spouse, dependent family members and dependent children under the age of 21 years who do not reside with the community spouse. Family members include dependent children under the age of 21 years, dependent adult children, dependent parents or dependent siblings of either spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:

- A) Community Spouse Maintenance Needs Allowance (as described at Ill. Adm. Code 120.61) if the deduction is for a spouse in the community;
- B) Family Maintenance Needs Allowance (as described in Ill. Adm. Code 120.61), if the deduction is for dependent family members residing with the community spouse; and
- C) Temporary Assistance for Needy Families (TANF) cash grant standard if the deduction is for dependent children under the age of 21 years who do not reside with the community spouse.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Medical Programs
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action: Amendment 148.310
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: Section 148.310 is being revised in conjunction with implementation of a new Tertiary Care Adjustment Payments program in order to provide an appeal mechanism for hospitals. These payments, implemented April 1, 2001, provide monetary recognition for higher level, complex medical care for eligible hospitals. Tertiary Care Adjustment Payments are composed of six separate adjustments, each of which has a specific reimbursement methodology. The new provisions in subsection (J) will allow hospitals to request a review by the Department concerning payment calculations as well as determinations of ineligibility for Tertiary Care Adjustment Payments. Similarly, the proposed amendments in new subsection (I) provide appeal rights for providers relating to the Department's Input and Adjustment Payments. Changes are also being proposed to provide clarifications on review procedures.

Other proposed amendments strike text relating to a time-limited payment for fiscal year 2000 only and time-limited Supplemental Critical Hospital Adjustment Payments because the sunset date was September 30, 1999. Several outdated references are also being stricken because they relate to a DHA (direct hospital adjustment) program that concluded on September 30, 1999.

No budgetary changes are anticipated on the basis of these proposed amendments.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|--------------------------------------|
| 148.70 | Amendment | February 9, 2001 (25 Ill. Reg. 2260) |
| 148.82 | Amendment | March 23, 2001 (25 Ill. Reg. 4124) |

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENT

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the *Illinois Register* on page 5424

- 10) Statement of Statewide Policy Objectives: these proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Section 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals enrolled in the Medical Assistance Program, but excluding county owned hospitals and hospitals organized under the University of Illinois Hospital Act.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

DEPARTMENT ON AGING

DEPARTMENT ON AGING

NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Elder Abuse Program

15) Summary and Purpose of Repealer: The purpose of this rulemaking is to repeal 89 Ill. Adm. Code 250 Elder Abuse Program, adopted November 28, 1984. Part 250 was established as a demonstration program. On August 13, 1988, the Elder Abuse and Neglect Act [20 ILCS 20/1 et. seq.] was enacted. This Act negated the need for the elder abuse demonstration program, and, established the Elder Abuse and Neglect Program. The adopted rulemaking for the Elder Abuse and Neglect Program is contained in this issue of the *Illinois Register*.

2) Code Citation: 89 Ill. Adm. Code 250

3) Section Numbers: Adopted Action:

- 250.100 Repeal
- 250.110 Repeal
- 250.120 Repeal
- 250.130 Repeal
- 250.140 Repeal
- 250.200 Repeal
- 250.210 Repeal
- 250.215 Repeal
- 250.220 Repeal
- 250.225 Repeal
- 250.230 Repeal
- 250.235 Repeal
- 250.300 Repeal
- 250.310 Repeal
- 250.320 Repeal
- 250.330 Repeal

4) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

5) Effective Date of Repealer: April 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 13, 2000, 24 Ill. Reg. 14813

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217)785-3346

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Elder Rights2) Code Citation: 89 Ill. Adm. Code 270

3) Section Numbers:

270.105	<u>Adopted Action:</u>
270.115	Amendment
270.200	New Section
270.205	New Section
271.210	New Section
271.215	New Section
270.220	New Section
270.225	New Section
270.230	New Section
270.235	New Section
270.240	New Section
270.245	New Section
270.250	New Section
270.255	New Section
270.260	New Section
270.265	New Section
270.270	New Section
270.275	New Section

4) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.025) Effective Date of Amendments: April 1, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 13, 2000, 24 Ill. Reg. 1482210) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: Section 270.115(b), a sentence was added:

"Each poster shall be placed with the bottom of the poster approximately 42 inches from the level of the floor."

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

No further substantive changes were made. Editorial changes were made in response to comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace an emergency rulemaking currently in effect? No14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to implement the Elder Abuse and Neglect Act [320 ILCS 20/1] and it describes the responsibilities of the Illinois Department on Aging, the regional administrative agencies and the elder abuse provider agencies in administering the Elder Abuse and Neglect Program. The rulemaking also includes guidelines for receiving, assessing, investigating and intervening in reports of alleged or suspected elder abuse, neglect and financial exploitation.

Sections 270.105 and 270.115 address the changes in the Long Term Care Ombudsman Program due to Public Acts 90-639 and 91-174. These changes include a revised definition of "long term care facility" and the composition and placement of posters in these facilities.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Pamela W. Balmer, Asst.
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF AGING
NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5258, effective 1/1/98.

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section 270.105 Definitions

"Complaint" means a concern brought to, or initiated by, the ombudsman for investigation and action by, or on behalf of, one or more residents of a long term care facility relating to health, safety, welfare or rights of a resident.

"Legal representative" means a person properly delegated or designated to exercise decision-making authority on behalf of another person, including, but not limited to, guardians of the estate (whether temporary or permanent), guardians of the person (whether temporary or permanent), agents appointed under a power of attorney (whether durable or not), health care surrogate decision-makers designated under the Health Care Surrogate Act [775 ILCS 401], and representative payees, appointed by the Social Security Administration or the Railroad Retirement Board pursuant to federal law.

"Long term care facility" means any facility as defined by Section 1-113 of the Nursing Home Care Act [210 ILCS 45]; and any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c) and (d) or Section 1919(a), (b), (c) and (d) of the Social Security Act, as now or hereafter amended (42 USC 1395i-3(a), (b), (c) and (d) and 42 USC 1396f(a), (b), (c) and (d)). (Section 4.04(b)(2) of the Illinois Act on the Aging [20 ILCS 105/4.04(b)(2)]).

"Office" means the Office of the State Long Term Care Ombudsman as established by the Department, which shall be comprised of the State Long Term Care Ombudsman, any other State Ombudsman staff and the Sub-State or Regional Long Term Care Ombudsman Programs.

"Ombudsman" or "representative of the Office" or "duly designated representative of the Office" means any person employed by the Department to fulfill the requirements of the Office, or any representative of a Sub-State Long Term Care Ombudsman Program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and authorized by the Department to perform the duties of an ombudsman and is registered with the Office's Ombudsman Representative Registry. (Section 4.04(b)(3) of the Illinois Act on the Aging [20 ILCS 105/4.04(b)(3)])

"Resident" means any person who is a current resident of a long term care facility, an individual seeking admission to a long term care

DEPARTMENT OF AGING
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 270
ELDER RIGHTS

SUBPART A: INTRODUCTION

Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section 270.100 Long Term Care Ombudsman Program
270.105 Definitions
270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman
270.115 Display of Ombudsman Poster
270.120 Access to Resident Records
270.130 Conflict of Interest

SUBPART C: ELDER ABUSE AND NEGLECT PROGRAM

Section 270.200 Purpose
270.205 Elder Abuse and Neglect Program
270.210 Definitions
270.215 Organizational Standards and Responsibilities: Department on Aging
270.220 Administrative Agencies and Responsibilities: Regional Agencies
270.225 Organizational Standards and Responsibilities: Elder Abuse Provider Agencies
270.230 Elder Abuse Reporting
270.235 Immunity
270.240 Intake of ANE Reports
270.245 Access to Eligible Adults
270.250 Minimum Assessment and Classification Standards
270.255 ANE Case Work, Follow-up, Referral to Law Enforcement and Case Closure
270.260 Authority to Consent to Services and Court Petitions
270.265 Emergency Intervention Services
270.270 Multi-disciplinary Teams
270.275 Confidentiality and Disclosure

AUTHORITY: Implementing Section 4.04(c) and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.04(c) and 4.01(11)] and Section 10 of the Elder Abuse and Neglect Act [320 ILCS 20/10].

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

facility, a former resident, or a deceased resident if the complaint or request for information involves procedures or practices related to admission, discharge and/or the individual's entitlement to care and services under federal and State laws and regulations.

"Sub-State Long Term Care Ombudsman Program", or "Sub-State Program", "Regional Long Term Care Ombudsman Program" or "Regional Program" means an agency designated by the Department as a sub-division of the Office.

(Source: Amended at 25 Ill. Reg. 5259, effective _____)

Section 270.115 Display of Ombudsman Poster

Each long term care facility shall display posters ~~a poster~~ supplied by the Office in the following manner:

- a) Each poster shall be prominently displayed in the facility in a place accessible to residents and the public.
- b) The poster shall not be obscured in any manner by any other material. Each poster shall be placed with the bottom of the poster approximately 42 inches from the level of the floor.
- c) If a majority of residents speak a language other than English, then a majority of the posters shall be in that language if they are available from the Department.
- d) A poster shall be placed:
 - 1) in each wing on each floor of the facility,
 - 2) in each of the facility's activity rooms, and
 - 3) at the main entrance/exit of the facility.

(Source: Amended at 25 Ill. Reg. 5259, effective _____)

SUBPART C: ELDER ABUSE AND NEGLECT PROGRAM

Section 270.200 Purpose

This Subpart describes the organization of the Elder Abuse and Neglect Program administered by and through the Illinois Department on Aging.

(Source: Added at 25 Ill. Reg. 5259, effective _____)

Section 270.205 Elder Abuse and Neglect Program

The Elder Abuse and Neglect Program is designed to respond to older persons who are victims of abuse, neglect, and financial exploitation (ANE). The services and activities of the program are:

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

a) Intake of ANE reports

- b) Assessment
- c) Case work
- d) Follow-up
- e) Emergency intervention services
- f) Multi-disciplinary teams
- g) Public awareness/education.

(Source: Added at 25 Ill. Reg. 5259, effective _____)

Section 270.210 Definitions

"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. [320 ICS 20/2(a)]

"Abuser" means a person who abuses, neglects, or financially exploits an eligible adult. [320 ICS 20/2(a-5)]

"Act" means the Elder Abuse and Neglect Act. [320 ICS 20]

"After Hours Line" means the toll-free statewide number that can be called to report suspected cases of elder abuse, neglect, and exploitation on holidays, weekends and weekdays before 8:30 a.m. and after 5:00 p.m.

"Allegation" means a charge or a claim of abuse, neglect, or financial exploitation.

"Alleged abuser" means a person who is reported as abusing, neglecting, or financially exploiting an older person.

"Alleged victim" means the older person who is reported as being abused, neglected, or financially exploited.

"ANE" means abuse, neglect, and financial exploitation.

"Assessment" means the process of obtaining and documenting information about the case to determine if there is reason to believe abuse, neglect or exploitation is occurring (or has occurred), and to ascertain the level of risk to the eligible adult of future abuse or harm.

"Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living. [320 ICS

DEPARTMENT OF AGING
NOTICE OF ADOPTED AMENDMENTS

A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140]; and

A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135].

"Elder abuse provider agency" means any public or nonprofit agency, appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect and financial exploitation.

"Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is or is alleged to be, abused, neglected, or financially exploited by another individual. [320 ILCS 20/2(c)]

"Emergency Intervention Services" are the services purchased by elder abuse provider agencies to provide temporary short term or emergency services necessary to secure the health, welfare and/or safety of a client when other existing resources are unavailable.

"Emotional abuse" means verbal assaults, threats of maltreatment, harassment, or intimidation.

"Financial exploitation" means the use of an older person's resources by another to the disadvantage of the older person and/or the profit or advantage of a person other than the older person.

"Follow-up" means the monitoring of substantiated cases of ANS for clients of the program.

"Guardian" means a person appointed by a court of competent jurisdiction, who is legally responsible for the care of a person who has been adjudicated by the court to be incompetent to manage his or her own affairs and/or property.

"Intake" means the point at which an elder abuse provider agency receives a report of alleged or suspected abuse, neglect, or financial exploitation; screens the case to make an initial determination that the alleged victim is an eligible adult; and, if so, opens a case file to keep a record of the case.

"Intervention" means an action initiated by the elder abuse caseworker or the elder abuse provider agency to provide medical, social, economic, legal, housing, law enforcement, or other protective emergency, or supportive services to, or on behalf of, the elder abuse victim or alleged victim.

DEPARTMENT OF AGING
NOTICE OF ADOPTED AMENDMENTS

20/2(a-7)]

"Casework" is the development and implementation of a service plan for the client, which minimally includes: the identification of the needs, problems, limitations and capacities of the client; interventions to protect the health, welfare and safety of the client; assisting the client in obtaining needed services; and respecting the self-determination and independence of the client.

"Clear and convincing" is the standard of proof that must be met to reach a "verified" substantiation decision in the ANE Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a substantial certainty that the abuse, neglect or financial exploitation is occurring or has occurred.

"Client" is an eligible adult who is receiving services from the elder abuse provider agency.

"Confinement" means restraining or isolating an older person for other than bona fide medical reasons.

"Department" means the Department on Aging of the State of Illinois. [320 ILCS 20/2(b)]

"Director" means the Director of the Department. [320 ILCS 20/2(c)]

"Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113];

"A life care facility" as defined in the Life Care Facilities Act [210 ILCS 40];

A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

A "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35].

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

"Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

a professional or professional's delegate while engaged in:

social services,
law enforcement,
education,
the care of an eligible adult or eligible adults, or

any of the occupations required to be licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], the Clinical Social Work and Social Work Practice Act [225 ILCS 20], the Illinois Dental Practice Act [225 ILCS 25], the Dietetic and Nutrition Services Practice Act [225 ILCS 30], the Marriage and Family Therapy Licensing Act [225 ILCS 55], the Medical Practice Act of 1987 [225 ILCS 60], the Respiratory Care Practice Act [225 ILCS 106], the Naprapathic Practice Act [225 ILCS 63], the Illinois Nursing Act of 1987 [225 ILCS 65], the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70], the Illinois Occupational Therapy Practice Act [225 ILCS 75], the Illinois Optometric Practice Act of 1987 [225 ILCS 80], the Illinois Pharmacy Practice Act of 1987 [225 ILCS 85], the Illinois Physical Therapy Act [225 ILCS 90], the Physician Assistant Practice Act of 1987 [225 ILCS 95], the Podiatric Medical Practice Act of 1987 [225 ILCS 100], the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107], the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115], and the Illinois Public Accounting Act [225 ILCS 450];

an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

an administrator, employee, or person providing services in or through an unlicensed community-based facility;

a Christian Science Practitioner;

field personnel of the Department of Public Aid, Department of Public Health, and Department of Human Services, and any county or municipal health department;

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman; provided that attorneys contracted or employed by the Area Agencies and their senior legal services providers and licensed to practice in Illinois are not mandated to report elder abuse, although they may voluntarily do so;

any employee of the State of Illinois not otherwise specified in this definition who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; or

a person who performs the duties of a coroner or medical examiner. [320 ILCS 20/2(f-b)]

"Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care, this definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals. [320 ILCS 20/2(g)]

"Passive neglect" means the failure by a caregiver to provide an eligible adult with the necessities of life including, but not limited to, food, clothing, shelter, or medical care, because of failure to understand the eligible adult's needs, lack of awareness of services to help meet needs, or a lack of capacity to care for the eligible adult.

"Physical abuse" means the causing of physical pain or injury to an eligible adult.

"Preponderance of the evidence" is the standard of proof that must be met to reach a "some indication" substantiation decision in the ANS Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a reasonable certainty that more likely than not the abuse, neglect or financial exploitation is occurring or has occurred.

"Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 25 Ill. Reg. 5259, effective)

Section 270.215 Organizational Standards and Responsibilities: Department on Aging

- a) *The Department shall establish, design and manage a program of response and services for persons 60 years of age and older who have been, or are alleged to be, victims of abuse, neglect, or financial exploitation. The Department shall contract with or fund, or contract with and fund, regional administrative agencies, provider agencies, or both, for the provision of those functions, and, contingent on adequate funding, with attorneys or legal services provider agencies for the provision of legal assistance pursuant to the Act. [320 ILCS 20/3(a)]*
- b) *The Department shall have the overall responsibility for designing, managing and monitoring the Elder Abuse and Neglect Program.*
- c) *The Department shall designate regional administrative agencies and approve the designation and termination of elder abuse provider agencies. Designated elder abuse provider agencies are agents of the Illinois Department on Aging.*
- d) *The Department shall design and manage the programmatic and financial reporting system for the program. The Department shall develop and manage a monitoring/quality assurance system for the program.*
- e) *The Department shall develop and implement public awareness efforts designed to publicize the purposes and mode of operation of the program through public service announcements, posters, and brochures.*
- f) *The Department shall provide technical assistance, policy clarifications and/or interpretations to regional administrative agencies on adherence to the rules, standards, and procedures established for the program. The Department may provide technical assistance in case handling directly to the elder abuse provider agencies. The technical assistance provided by the Department may include legal advice and consultation. The Department's interpretation of policy and procedure shall prevail.*
- g) *The Department shall provide training to elder abuse provider agency staff who will assess reports of ANE or who will supervise staff performing the assessment function. Regional administrative agency staff working in the program shall also be trained by the Department.*
- h) *The Department shall maintain a registry of all elder abuse provider agency and regional administrative agency staff who have successfully completed Department sponsored certification training and are employed in the program.*
- i) *The Department's "Senior Helpline" and the "After Hours Line" shall receive reports of ANE and relay such reports to the appropriate elder abuse provider agency within the required timelines.*
- j) *The Department shall also be responsible for, contingent upon adequate funding, coordination of efforts with other agencies, councils, and*

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

exploitation. [320 ILCS 20/2(h)]

"Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated. [320 ILCS 20/2(i)]

"Reporter" means the person who calls, visits or otherwise communicates to an authorized intake agency allegations or suspicions that an eligible adult has been or is being abused, neglected, or financially exploited.

"Senior Helpline" means the Department's toll-free statewide number that can be called to report suspected cases of elder abuse, neglect and financial exploitation, or to obtain additional information about services available to eligible adults.

"Sexual abuse" means any sexual activity with an eligible adult who is unable to understand, unwilling to consent, threatened, or physically forced to engage in such sexual activity.

"Source of information" means the point of origin of information about the client.

"Substantiation" is the process by which an elder abuse provider agency determines, after a review of all available information, that abuse, neglect or financial exploitation of an eligible adult has occurred.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred. [320 ILCS 20/2(j)]

"Victim" means an eligible adult who is the subject of a substantiated report of abuse, neglect, or financial exploitation.

"Willful deprivation" is the deliberate denial to an eligible adult of required medication, medical care, shelter, food, therapeutic devices, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm. Willful deprivation shall not include the discontinuation of medical care or treatment when the eligible adult has expressed a desire to forego such medical care or treatment.

DEPARTMENT OF AGING

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

like entities, which may impact awareness of, and response to, elder abuse, neglect, and financial exploitation, and promotion of prevention activities. [320 ILCS 20/3.5]

k) The Department shall file with the Governor and the General Assembly, within 270 days after the end of each fiscal year, a report concerning its implementation of the Act during such fiscal year, together with any recommendations for future implementation. [320 ILCS 20/11]

l) The Department shall reimburse elder abuse provider agencies under contract at a uniform rate established by the Department. A separate rate shall be established for each of the following case activities completed by the elder abuse provider agency: assessment, case work, and follow-up.

m) If a designated elder abuse provider agency terminates its contract to provide services, the Department, in coordination with the regional administrative agency, shall ensure that elder abuse services are available without interruption to eligible adults within the terminated elder abuse provider agency's service area.

(Source: Added at 25 Ill. Reg. 5259, effective _____)

(Source: Added at 25 Ill. Reg. 5259, effective _____)

Section 270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies

a) Each regional administrative agency shall designate provider agencies within its planning and service area with prior approval by the Department on Aging. [320 ILCS 20/3(b)]

b) The standard term for designation shall be for six years, unless such designation is terminated by action of the regional administrative agency or the Department, or unless a provider agency declines to continue its designation. The contract for services in a specified geographical area shall be awarded to a designated elder abuse provider agency for a period of one year. The contract for services may be renewed annually by the regional administrative agency, with the prior approval of the Department.

c) A procurement process shall be held by the regional administrative agency for the designation of an elder abuse provider agency in each service area every six years, except as provided in subsection (f)(1).

d) If a review of the proposals submitted during a procurement process fails to produce an acceptable provider agency for the service area, the regional administrative agency shall designate, with the prior approval of the Department, a qualified agency on an emergency basis.

e) The regional administrative agency, after notification to, and concurrence by, the Department, may terminate the designation of an elder abuse provider agency for failure to provide services in accordance with the contract and this Part.

f) If the designation of an elder abuse provider agency has been terminated, either at the initiative of the regional administrative

agency or an elder abuse provider agency, the regional administrative agency shall designate, with the prior approval of the Department, a qualified agency on an emergency basis until such time that a subsequent procurement process produces an acceptable provider agency for the service area.

1) When an organization or agency has been selected on an emergency basis, the agency shall be designated for the balance of the fiscal year in which such designation was awarded, and for up to one additional year.

2) Not later than two years following the emergency designation, the regional administrative agency shall conduct a procurement process for the designation of an elder abuse provider agency for the specified service area.

g) The regional administrative agencies shall provide technical assistance to elder abuse provider agencies and shall seek from Department staff policy clarifications and interpretations of standards and procedures.

h) Regional administrative agencies shall monitor the performance of elder abuse provider agencies, according to Departmental policies.

(Source: Added at 25 Ill. Reg. 5259, effective _____)

Section 270.225 Organizational Standards and Responsibilities: Elder Abuse Provider Agencies

a) The elder abuse provider agency shall enter into a written contract with the regional administrative agency to provide services in a specific geographical area in the regional administrative agency's planning and service area.

b) The elder abuse provider agency shall provide such services in accordance with this Part and the Department's policies and procedures.

c) A contract to provide elder abuse services may be terminated by the elder abuse provider agency in accordance with the termination clause in the contract.

(Source: Added at 25 Ill. Reg. 5259, effective _____)

Section 270.230 Elder Abuse Reporting

a) If any mandated reporter has reason to believe that an eligible adult, who because of dysfunction is unable to seek assistance for himself or herself has, within the previous 12 months, been subjected to abuse, neglect, or financial exploitation, the mandated reporter shall, within 24 hours after developing such belief, report this suspicion to an agency designated to receive such reports, report this suspicion to the

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

- b) Department. [320 ILCS 20/4(a-5)]
Whenever a mandated reporter is required to report under the Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, board and care home, or agency, he or she shall make a report to an agency designated to receive such reports under the Act or to the Department in accordance with the provisions of the Act and may also notify the person in charge of the institution, facility board and care home, or agency or his or her designated agent that the report has been made. [320 ILCS 20/4(a-5)]
- c) Under no circumstances shall any person in charge of such institution, facility, board and care home, or agency, or his or her designated agent to whom the notification has been made, exercise any control, restraint, modification, or other change in the report or the forwarding of the report to an agency designated to receive such reports under the Act or to the Department. The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, neglected, or financially exploited eligible adults and shall not constitute grounds for failure to report as required by the Act. [320 ILCS 20/4(a-5)]
- d) The identity of a person making a report of alleged or suspected abuse or neglect under the Act may be disclosed by the Department or other agency provided for in the Act only with such person's written consent or by court order. [320 ILCS 20/4(c)]
- e) Any mandated reporter who makes a report or any person who investigates a report under the Act shall testify fully in any judicial or administrative proceeding resulting from such report, as to any evidence of abuse, neglect, or financial exploitation or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged abuser or the eligible adult subject of the report under the Act and the person making or investigating the report. [320 ILCS 20/4.2]

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 270.235 Immunity

Any person, institution or agency participating in the making of a report, providing information or records related to a report, assessment, or services, or participating in the investigation of a report under the Act in good faith, or taking photographs or x-rays as a result of an authorized assessment, shall have immunity from any civil, criminal or other liability in any civil, criminal or other proceeding brought in consequence of making such report or assessment or on account of submitting or otherwise disclosing such photographs or x-rays to any agency designated to receive reports of alleged or suspected

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

abuse or neglect. Any person, institution or agency authorized by the Department to provide assessment, intervention, or administrative services under the Act shall, in the good faith performance of those services, have immunity from any civil, criminal or other liability in any civil, criminal, or other proceeding brought as a consequence of the performance of those services. For the purposes of any civil, criminal, or other proceeding, the good faith of any person required to report, permitted to report, or participating in an investigation of a report of alleged or suspected abuse, neglect, or financial exploitation shall be presumed. [320 ILCS 20/4(b)]

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 270.240 Intake of ANP Reports

- a) The following agencies are authorized to receive ANP reports:
1) Illinois Department on Aging's Senior Helpline;
2) "After Hours" line;
3) Regional administrative agencies; and
4) Elder abuse provider agencies.
- b) An elder abuse provider agency receiving a report of ANP shall assign a priority to the report.
- c) An agency that is not an elder abuse provider agency shall forward the report to the appropriate elder abuse provider agency within the required time frame.
- d) The elder abuse provider agency is directed to respond to reports of ANP within required time frames, including making a good faith attempt to conduct a face-to-face visit with the alleged victim.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 270.245 Access to Eligible Adults

- a) The designated provider agencies shall have access to eligible adults who have been reported or found to be victims of abuse, neglect, or financial exploitation in order to assess the validity of the report, assess other needs of the eligible adult, and provide services in accordance with the Act. [320 ILCS 20/3(a)]
- b) When the caseworker is unable to access the alleged victim due to interference by another, the caseworker shall seek the assistance of law enforcement in accordance with Department policies.
- c) Where access to an eligible adult is denied, the Office of the Attorney General, the Department, or the provider agency may petition the court for an order to require appropriate access where:
1) a caregiver or third party has interfered with the assessment or service plan; or
2) the agency has reason to believe that the eligible adult is

NOTICE OF ADOPTED AMENDMENTS

denying access because of coercion, extortion, or justifiable fear of future abuse, neglect, or financial exploitation. [320 ILCS 20/11(b)]

d) If the initial face-to-face visit indicates that the alleged victim does not meet the age criterion for the program, the elder abuse provider agency will terminate the assessment, document this finding in the case record, and refer the person to other appropriate services or agencies.

(Source: Added at 25 Ill. Reg. 5259, effective 1/10/14)

Section 270-250 Minimum Assessment and Classification Standards

a) A provider agency designated to receive reports of alleged or suspected abuse, neglect, or financial exploitation under the Act shall, upon receiving such a report, conduct a face-to-face assessment with respect to such report. The assessment shall include, but not be limited to, a visit to the residence of the eligible adult who is the subject of the report and may include interviews or consultation with service agencies or individuals who may have knowledge of the eligible adult's circumstances. [320 ILCS 20/5(a)]

b) A decision on the merits of each report must be made according to the following:

- 1) Verified: When there is clear and convincing evidence resulting in a determination that the specific injury or harm was the result of abuse, neglect, or financial exploitation.
- 2) Some indication: When there is a fair preponderance of evidence that suggests some indication of abuse, neglect, or financial exploitation exists.
- 3) No indication: When there is a lack of credible evidence indicating that abuse, neglect, or financial exploitation exists.
- 4) Unable to Verify: This determination is used when the report does not meet the eligibility criteria of the program, the elder abuse provider agency is unable to locate the alleged victim, the elder abuse provider agency staff has been unable to gain access to the alleged victim, or the alleged victim refuses the assessment.

c) Each report must be either substantiated, unsubstantiated, or unable to substantiate, as follows:

- 1) Substantiated: When one or more of the alleged types of ANE was classified as either "verified" or "some indication".
- 2) Unsubstantiated: When all of the alleged types of ANE were determined to lack credible evidence that indicated abuse, neglect, or financial exploitation.
- 3) Unable to substantiate: When the provider agency was unable to locate the alleged victim; unable to access the alleged victim; the alleged victim refused to cooperate; or the alleged victim

NOTICE OF ADOPTED AMENDMENTS

was deceased.

d) If, after the assessment, the provider agency determines that the case is substantiated and the victim has consented to services, it shall develop a service care plan for the eligible adult.

e) The elder abuse provider agency shall establish a case record to document each report of abuse, neglect, or financial exploitation, in accordance with Department procedures, program forms and instructions.

(Source: Added at 25 Ill. Reg. 5250, effective 1/10/14)

Section 270-255 ANE Case Work, Follow-Up, Referral to Law Enforcement and Case Closure

a) Case Work

Provider agencies shall assist, to the extent possible, eligible adults who need agency services to allow them to continue to function independently. [320 ILCS 20/3(c)] If, after the assessment, the provider agency determines that the case is substantiated, it shall develop a service care plan for the eligible adult, where the adult consents to services.

b) Follow-up

All services provided to an eligible adult shall be reviewed by the provider agency on at least a quarterly basis for up to one year to determine whether the service care plan should be continued or modified. [320 ILCS 20/7]

c) Referral

A provider agency shall refer evidence of crimes against an eligible adult to the appropriate law enforcement agency according to Department policies. A referral to law enforcement may be made at any time during the case. Where a provider agency has reason to believe the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately report the matter to the coroner or medical examiner and shall cooperate fully with any subsequent investigation. [320 ILCS 20/5(b)]

d) Case Closure

An elder abuse provider agency shall close a case when:

- 1) the victim refuses services;
- 2) the victim is deceased, unless the death was the apparent result of the ANE;
- 3) the victim has entered a long term care facility and resided there for 60 days. The Department may waive the 60 day limitation in cases where the provider agency submits evidence that such a waiver is necessary to protect the safety and well being of the client;
- 4) the victim has moved out of the area; provided, if the victim remains at risk and the elder abuse provider agency is aware of the new location, the provider agency shall refer the case to the

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

purpose of consenting to such assessment or services or to protect the eligible adult from further harm. [320 ILCS 20/9(e)]

f) If the elder abuse provider agency has substantiated financial exploitation against an eligible adult, and has documented a reasonable belief that the eligible adult will be irreparably harmed as a result of the financial exploitation, the Office of the Attorney General, the Department, or the provider agency may petition for an order freezing the assets of the eligible adult. The petition shall be filed in the county or counties in which the assets are located. [320 ILCS 20/13(d)]

(Source: Added at 25 Ill. Reg. 5259, effective

Section 270.265 Emergency Intervention Services

- a) The Department shall establish a fund for elder abuse clients to be called the Emergency Intervention Services fund. Eligibility criteria to receive Emergency Intervention Services funds are as follows:
- 1) that there be an imminent threat to the health, welfare, and/or safety of the client if the service is not available; and
 - 2) community services/resources for which the client is eligible cannot be mobilized in a timely manner or are insufficient to protect the client's health, welfare and/or safety; and
 - 3) client resources are insufficient or unavailable to purchase needed services falling under the Emergency Intervention Services categories.
- b) Services that may be purchased by the elder abuse provider agency for eligible adults include emergency and supportive care, legal assistance, housing and relocation services, or other services designed to protect the health, welfare and/or safety of the eligible adult.
- c) The Department shall establish a maximum amount available to a victim within each year he or she receives services. The Department shall also establish procedures whereby the regional administrative agency and the Department may allow for additional expenditures of such funds as are necessary to obtain emergency services to protect the client.

(Source: Added at 25 Ill. Reg. 5259-3, effective

Section 270.270 Multi-disciplinary Teams

- a) Every elder abuse provider agency (EAPA) that has more than 7,200 persons 60 years of age and older in their designated service area shall develop and maintain a multi-disciplinary team (M-Team). The M-Team shall act in an advisory role to the elder abuse provider agency for the purpose of providing professional knowledge and expertise in the handling of complex elder abuse cases.

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

elder abuse provider agency in the location of the new residence for case work and follow-up services:

- 5) the victim is no longer at risk of ABE;
- 6) the victim has received "uninterrupted" follow-up services for 12 months, which shall be considered an "administrative closure" or
- 7) the report is not substantiated.

(Source: Added at 25 Ill. Reg. 5259-2, effective

Section 270.260 Authority to Consent to Services and Court Petitions

- a) If an eligible adult consents to services being provided according to the service care plan, such services shall be arranged to meet the adult's needs, based upon the availability of resources to provide such services. If an adult withdraws his or her consent or refuses to accept such services, the services shall not be provided. [320 ILCS 20/9(a)]
- b) If it reasonably appears to the Department or other agency designated under the Act that a person is an eligible adult and lacks the capacity to consent to necessary services, including an assessment, the Department or other agency may seek the appointment of a guardian as provided in Article Xla of the Probate Act of 1975 [735 ILCS 5/Art. Xla] for the purpose of consenting to such services. [320 ILCS 20/9(b)]
- c) A guardian of the person of an eligible adult may consent to services being provided according to the service care plan. If a guardian withdraws his or her consent or refuses to allow services to be provided to the eligible adult, the Department, an agency designated under the Act, or the Office of the Attorney General may request a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian. [320 ILCS 20/9(c)]
- d) If an emergency exists and the Department or other agency designated under the Act reasonably believes that a person is an eligible adult and lacks the capacity to consent to necessary services, the Department or other agency may request an ex parte order from the circuit court of the county in which the petitioner or respondent resides or in which the alleged abuse, neglect or financial exploitation occurred authorizing an assessment of a report of alleged or suspected abuse, neglect, or financial exploitation or the provision of necessary services, or both, including relief available under the Illinois Domestic Violence Act of 1986 [750 ILCS 60/]. [320 ILCS 20/9(d)]
- e) Within 15 days after the entry of the ex parte emergency order, the order shall expire, or, if the need for assessment or services continues, the provider agency shall petition for the appointment of a guardian as provided in Article Xla of the Probate Act of 1975 for the

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

- c) Each M-Team shall consist of one volunteer representative each from the following professions: banking or finances; health care; law; law enforcement; mental health; and clergy. The EAPA may choose to add representatives from the fields of substance abuse, domestic violence or other related fields.
- d) The M-Team shall meet a minimum number of times a year, in accordance with Department policies.
- e) Each M-Team member shall sign a confidentiality agreement not to release any elder abuse client information.
- f) The EAPA shall have written procedures for recruiting M-Team members; for preparing and conducting M-Team meetings; and for financial management of M-Teams.
- g) The Department shall provide funding to EAPAs to support the cost of staff time, mailings, meeting space and other costs related to M-Team meetings. M-Team members shall not be reimbursed for their services.

(Source: Added at 25 Ill. Reg. 5259, effective 11/1/81)

Section 270.275 Confidentiality and Disclosure

- a) The Elder Abuse and Neglect Act provides that the identity of any person making a report of alleged or suspected elder abuse, neglect, or financial exploitation may be disclosed only with that person's written consent or by court order.
- b) All records concerning reports of elder abuse, neglect, or financial exploitation and all records generated as a result of such reports shall be confidential and shall not be disclosed except as specifically authorized by the Act or other applicable law. Access to such records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, or financial exploitation as contained in such records, shall be allowed to the following persons and for the following purposes:
- 1) Department staff, provider agency staff, other aging network staff, and regional administrative agency staff in the furtherance of their responsibilities under the Act;
 - 2) A law enforcement agency investigating a known or suspected case of elder abuse, neglect, or financial exploitation. Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;
 - 3) A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, or financially exploited or who has been referred to the Elder Abuse and Neglect Program.
 - 4) An eligible adult reported to be abused, neglected, or financially exploited, or such adult's guardian, unless the

DEPARTMENT OF AGING

NOTICE OF ADOPTED AMENDMENTS

- guardian is the abuser or the alleged abuser;
- 5) A court or a guardian ad litem upon its or his or her finding that access to such records may be necessary for the determination of an issue before such court;
- 6) A grand jury, upon its determination that access to such records is necessary for conduct of its official business;
- 7) Any person authorized by the Director, in writing, for audit or bona fide research purposes;
- 8) A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, or financial exploitation. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult; and
- 9) Department of Professional Regulatory staff and members of the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act [225 ILCS 20] by provider agency staff.
- [320 ILCS 20/8]
- c) All records must be maintained as confidential and stored in a designated and secure area within the elder abuse provider agency offices.

(Source: Added at 25 Ill. Reg. 5280, effective 11/1/81)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, eight or more risers, to access the street floor.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than four risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Infant" means a child through 12 months of age.

The definition of "disinfect" was modified as follows:

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of 1/4 cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to one gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

Changes were made in Section 408.15 to require that the license renewal forms be mailed to day care home licensees six months prior to the expiration and to require the home to complete within three months of the date of the mailing. Language was also added to require that the licensees receive a copy of the results of the on-site compliance review when it is requested.

The following changes were made to Section 408.30:

The number of the Poison Control Center was added to the list of required items in the first aid kit. Language was added to state that syrup of ipecac may only be dispensed upon direction from a physician or the Poison Control Center.

Language was added to clarify that soft rubber or plastic toys considered hazardous for infants and toddlers are those that can be bitten or broken into small pieces.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Group Day Care Homes

2) Code Citation: 89 Ill. Adm. Code 408

3) Section Numbers: Proposed Action:

- 408.5 Amend
- 408.10 Amend
- 408.15 Amend
- 408.25 Amend
- 408.30 Amend
- 408.35 Amend
- 408.45 Amend
- 408.50 Amend
- 408.65 Amend
- 408.70 Amend
- 408.75 Amend
- 408.80 Amend
- 408.90 Amend
- 408.105 Amend
- 408.115 Amend
- APPENDIX D Amend
- APPENDIX F New
- APPENDIX G New

4) Statutory Authority: The Child Care Act of 1969 [225 ICS 10/5-2]

5) Effective Date of Amendments: April 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 29, 2000, 24 Ill. Reg. 14342

10) Has JCRR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: The editing changes requested by the Joint Committee on Administrative Rules were made. In addition, the following changes were made as requested by the Joint Committee on Administrative Rules or in response to public comments.

The following definitions were added:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Language was added to require that free hanging cords on blinds, shades and drapes must be tied or otherwise kept out the reach of children.

Providers with a license or permit on April 1, 2001 that are in compliance with the requirement for a 3 1/2 foot fence are considered in compliance with the fence requirement for this Section.

Requirements were added that caregivers always test water before children less than 5 years of age use the water.

Language was added to clarify that dangerous animals include venomous and constricting snakes, undomesticated dogs and cats, raccoons, and other animals determined to be dangerous by local public health authorities.

Language was added to require that barriers to prevent access to stairs must be moveable so as not to impede evacuation.

Language was added to clarify that the playground equipment specifications apply only to equipment installed on or after April 1, 2001. The requirement that trampolines be inaccessible to children was eliminated.

Language was added to Section 408.35 to note that the medical reports for caregivers and household members is valid for three years.

Language in Section 408.45 requiring 15 clock hours of in-service training was changed as follows:

The caregivers shall complete 15 clock hours of in-service training per calendar year in accordance with the requirements in Appendix G.

1. Such training may be derived from programs offered by any of the entities identified in Appendix G.
2. Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix G.

3. The records of the day care home shall document the training in which the caregiver has participated, and these records shall be available for review by the Department.

Language was added to Section 408.50 to clarify that assistants must have a medical report completed every three years.

In Section 408.70 language was added to clarify that when handwashing is required, hands should be washed with soap and water and that children

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

must be supervised during handwashing. The proposed requirement that there be two feet of space between cots, beds and cribs was eliminated in this Section and in Section 408.115.

In Section 408.80 requirements for whole milk for children under age were modified to be consistent with the U.S.D.A. Child and Adult Care Food Program requirements.

In Section 408.105 the language prohibiting walkers was changed to exclude stationary walkers.

Appendix G was added.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These adopted amendments will improve health and safety in group day care homes by outlining more precisely basic health and safety measures and requiring an increase in the number of hours of ongoing in-service training for caregivers and assistants. Additionally, these adopted amendments will provide caregivers with another child grouping option to accept an additional child under five years of age if the number of children under 30 months of age is limited to two.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@dcfs.state.il.us

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section	Purpose
408.1	Definitions
408.5	Effective Date of Standards (Repealed)
408.7	Application For License
408.10	Application For Renewal of License
408.15	Provisions Pertaining to the License
408.20	Provisions Pertaining to Permits
408.25	General Requirements for Group Day Care Homes
408.30	General Requirements for Group Day Care Home Family Background Checks
408.35	Caregivers
408.40	Child Care Assistants
408.45	Substitutes
408.50	Admission and Discharge Procedures
408.60	Number and Ages of Children Served
408.65	Health and Medical Care
408.70	Discipline of Children
408.75	Nutrition and Meals
408.80	Program
408.85	Transportation of Children
408.90	Swimming
408.95	Children with Special Needs
408.100	Children Under 30 Months of Age
408.105	School Age Children
408.110	Night Care
408.115	Records and Reports
408.120	Confidentiality of Records and Information
408.125	Cooperation with the Department
408.130	Severability of This Part
408.135	

APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
APPENDIX C	Minimum Equipment and Supplies - Preschool Programs
APPENDIX D	Minimum Equipment and Supplies - Infant and Toddler Programs
APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
APPENDIX F	Early Childhood Teacher Credentialing Programs
APPENDIX G	In-service Training

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

10], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5891, effective 11/1/2001.

Section 408.5 Definitions

"Access to children" means an **a-child-care-facility** employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

"Accredited" means accredited by the North-Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Adult" means a person **eighteen** 18 years of age or older.

"Applicant" means a person living in the residence to be licensed who will be the primary caregiver in the group day care home.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the group day care home.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that **which** are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, **or via a FBARS-check-of persons-ages-13-through-17**; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, eight or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department.

"Caregiver" means the individual directly responsible for child care.

"Children with special needs" means children who **childrent** exhibit one or more of the following characteristics, **which--is** confirmed by clinical evaluation:

"Visual impairment": the child's visual impairment is such that development to full his-or-her potential without special services cannot be achieved.

"Hearing impairment": the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that **which** prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

"Physical or health impairment": the child exhibits a physical or health impairment that **which** requires adaptation of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

physical plant.

"Speech and/or language impairment": the child exhibits deviations of speech and/or language processes that **which** are outside the range of acceptable variation within a given environment and **which** prevent full social development.

"Learning disability": the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

"Behavioral disability": the child exhibits an effective disability and/or maladaptive behavior that **which** significantly interferes with learning and/or social functioning.

"Mental impairment": the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 (720 ILCS 5/2-5))

"Cot" means a comfortable, safety and child-sized alternative bed made of resilient, fire retardant, sanitizable fabric that is on legs or otherwise above the floor and can be stored to allow for air flow.

"Department" means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 (225 ILCS 10/2.18))

"Discipline" means the process of helping children **childrent** to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of 1/4 cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart of water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

"Family home" or "family residence" means the location or portion of a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

location where the applicant and his or her family reside. It does not include other structures that are separate from the home but may be considered part of the overall premises, such as adjacent apartments, unattached garages, and other unattached buildings.

"Grade-level"--means not more than four feet above or four feet below ground level.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any other surface that which is not above or below the ground.

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969)

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

"Infant" means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department of Children and Family Services that which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"License study" means the review of an application for license, on-site visits visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of day-care children receiving child care under age 12 permitted in the group day care home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"licensing representative" means a person persons authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"Parents Parents" as used in this Part, means those persons persons assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individuals individuals to become eligible for a license.

"Persons subject to background checks" means:

- the operators operators of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the license applicants applicants and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the group day care home wherein the family resides and includes the attached yard, garage, and any other outbuildings.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Program" means all activities provided for the children ~~children~~ during their hours of attendance in the group day care home.

"Protected exit from a basement" means an exit that ~~which~~ is separated from the remainder of the group day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to ~~children~~ ~~children~~ with special needs.

"School age" means ~~children~~ ~~children~~ ~~5~~ ~~six~~ to ~~12~~ ~~twelve~~ years of age and ~~5~~ ~~five~~ year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that ~~which~~ may not be included in the measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two ~~feet-six-inches~~ ~~2'6"~~ in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or at private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than two ~~feet-six-inches~~ ~~2'6"~~ in depth that ~~which~~ is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2'6" ~~two-feet-six-inches~~ in depth in swimming pools that ~~which~~ are designated primarily for children.

(Source: Amended at 25 Ill. Reg. 5281 -- effective ~~1/1/83~~)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 408.10 Application For License

a) A complete application shall be Application-for-license-as-a-group-day-care-home-shall-be-completed--signed-by--the-group-day-care--home applicant(s)--and filed with the Department of Children and Family Services on forms prescribed and provided by the Department.

b) A complete application shall include: Applicant(s)-shall--provide--the Department:

- 1) a completed, signed and dated Application for Home License;
 - 1) the names, addresses-and-telephone-numbers-of-at-least-three-(3) adults-not-related-to-them-who-can-attest-to-their-character--and suitability-to-provide-child-care;
 - 2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over; and
 - 3) completed complete, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - 4) a completed, signed and dated Family Home Information form;
 - 5) a completed, signed and dated Child Support Certification form;
 - 6) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e); and
 - 7) the names, addresses and telephone numbers of at least 3 adults not related to the applicants who can attest to their character and suitability to provide child care.
- c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study in order to determine that the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.
- d) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the applicant or licensee seeks to reapply; or
 - 2) When there is a change in the name of the licensee or the location address of the group day care home; or
 - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
 - 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- e) Approval of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 5281 effective APR - 1 2000)

Section 408.15 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department three months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensee licensee(s) and submitted to the Department no later than 30 days from the date mailed to licensee licensee(s) to be considered timely and sufficient.
- c) When a licensee group day care home seeks to change its name or location address, a new application reflecting the changes change(s) must be completed, signed by the licensee licensee(s) and submitted to the Department three months thirty days prior to the effective date of the changes change(s) for the application to be considered timely and sufficient.
- d) When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. Upon a showing of good cause by the licensee or the Department, the Department shall further extend the period in which such decision must be made in individual cases for up to 30 days (Section 5 of the Act). "Good cause" includes but is not limited to day care home, both the request for the second extension and the Department's decision on that request shall be in writing.
- e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee licensee(s) shall receive a copy of the results of the on-site compliance review license study upon written request and payment of copying costs.

(Source: Amended at 25 Ill. Reg. 5281 effective APR - 1 2000)

Section 408.25 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
 - 1) The application for license has been completed and signed by the applicants applicant(s) and submitted to the Department;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) The background checks required by Section 408.40 have been completed and the results of the background check have been received for the operator of the group day care home;
- 3) Character references have been requested regarding the primary caregivers caregiver(s), and at least two favorable references have been received;
- 4) Medical reports as required in Section 408.35(g) have been received by the Department for all caregivers and assistants;
- 5) The applicant who is the primary caregiver has been certified in first-aid, the Heimlich maneuver, and infant/child cardiopulmonary resuscitation (CPR) in accordance with Section 408.35(g);
- 6) A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the requirements for remaining character references, reference(s), medical examination report(s), and well water tests compliance that which may be complied with within the 6 six month period covered by the permit. However, when well water tests are required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for children under 15 months of age infants until the test results are received;
- 7) Proof of public liability insurance as required by Section 408.35(h) (such proof may consist of, but is not limited to, a copy of an insurance policy, binder or certificate) or a letter from the insurance carrier;
- 8) Plan developed for emergency medical care as required by Section 408.70;
- 9) Furnishings and equipment have been acquired for the number of children to be served during the 6 six month permit period in accordance with Appendix C and D;
- 10) Medical reports and character references are on file for employed staff at the home for employed staff; and on file for representative that when submitted to the licensing license shall be met within the 6 six month permit period.
- b) A permit shall not be issued retroactively.
- c) A permit shall not be transferred to another person or other legal entity.
- d) A permit shall not be valid for a name or address different from the name and address shown on the issued permit.
- e) A permit shall not be renewable.
- f) Times while the home is operating under a permit.
- g) A license shall be issued during the 6 six month period after the permit is issued and that the group day care home achieves and maintains compliance with the Department's licensing standards.
- h) The group day care home shall adhere to the provisions or restrictions

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

specified on the permit.

i) There shall be no fee or charge for the permit.

(Source: Amended at 25 Ill. Reg. 528.1, effective 4-1-74)

Section 408.30 General Requirements for Group Day Care Homes

a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children ~~enjoyment~~.

1) The home shall have a first aid kit consisting of adhesive bandages, hand-aids, scissors, syrup of ipacac, non-permeable gloves, Poison Control Center telephone number (800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap. Syrup of ipacac shall only be dispensed upon direction from a physician or the Poison Control Center.

2) The kitchen shall be equipped with an operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

3) Electrical outlets that are within reach of children ~~enjoyment~~ under 5 five years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.

4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics. A smoke detector in operating condition shall be within fifteen-~~t~~ 15 feet of rooms where children ~~enjoyment~~ nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story. Further, in any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors ~~detector~~ shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. Section 2 of the Pacifica Requiring Smoke Detectors Act (425-10CS-10/21). For purposes of this subsection (a)(4) rule, "substantial remodeling" represents more than 15 fifteen percent of the replacement cost of the group day care home. Compliance with any applicable Federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section. (Section 2 of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Facilities Requiring Smoke Detectors Act (425-10CS-10/21)

5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child day care is provided.

6) A facility, in which a wood-burning stove or fireplace has been installed, in which a wood-burning stove or fireplace has been installed, and in which a wood-burning stove or fireplace has been installed, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use. ~~furnish-a-written statement-certifying-the-safety-from-the-office-of-the-State-Marshall-or-local-agencies-authorized-by-the-office-of-the-State-Marshall-to-conduct-inspections-on-its-behalf~~ Such statement shall be provided upon initial application for licensure and subsequent applications for license renewal.

7) In one and two-family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas that which the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.

8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.

9) When the basement area may be used for child care, 2 two exits shall be provided. At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that which allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 eight feet high. A second exit may be a window operable from the inside without the use of tools that which provides a clear opening not less than 20 inches in width, 14 inches in height, and 5.7 square feet in area. If the window is used as a second exit, the bottom of the window opening shall be no not more than 44 inches above the floor. When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency. If the basement area does not meet these existing requirements, the basement may be used for child day care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

its behalf. **Basements which have been approved for day care use in currently-licensed group day care homes are permitted one year from the effective date of these amendments to comply with these basement-existing requirements.**

- 10) All walls and surfaces shall be free from chipped or peeling paint.
- 11) Walls of rooms that children use shall be maintained free of lead paint.
- 12) Furniture and equipment shall be kept in safe repair.
- 13) First aid ~~first aid~~ supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponges, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 15) Exit doors shall be kept clear of equipment and debris at all times.
- 16) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-542-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 17) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care.
 - 1) A minimum of 35 square feet of floor space for each child in care.
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after napping.
 - c) No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child day care services. Nothing in this subsection prohibits smoking in the home in the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]

d) Indoor space shall consist of a clean, comfortable environment for children.

- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- 2) The dwelling shall be kept clean, sanitary, and in good repair.
- 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
- 4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
- 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's ~~children's~~ access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- e) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and shall ~~be~~ reasonably safe from hazards.
- f) Garbage and refuse containers used to discard disposing supplies, food products or disposable meal service supplies in areas for child care shall be disinfected ~~cleaned~~ daily with a germicide ~~disinfectant~~ unless plastic liners are used and disposed of immediately.
- g) A safe and sink used instead of approved public water supply, the water supply is used instead of approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age ~~infants~~.
- h) Hot and cold running water shall be provided. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- i) The group day care home shall provide one toilet for each ~~ten~~ 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 ~~ten~~ persons include caregivers ~~caregivers~~, child care assistants ~~assistant~~, members ~~member~~ of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 one

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

thousand feet) of the group day care home provided the caregiver or an adult assistant accompanies children ~~children~~ to this outdoor area.

- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction. Further, outdoor space shall be partitioned or supervised in such a manner that young children ~~children~~ are not endangered by the activities of older children ~~children~~.

- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

A) Openings in exercise rings shall be smaller than 4 1/2 inches or larger than 9 inches in diameter.

B) There shall be no openings in a play structure with a dimension between 3 1/2 inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

C) Distances between vertical slats or poles, where used, must be 3 1/2 inches or less (to prevent head entrapment).

D) No opening shall form an angle of less than 5° unless one leg of the angle is horizontal or slopes downward.

E) No opening shall be between 3/8 inch and one inch in size (to prevent finger entrapment).

5) The use of a trampoline by children in care is prohibited.

6) ~~Swimming pools~~ **Swimming pools** located in areas accessible to children shall be fenced. The fence shall be at least 5 3/4 feet in height and secured by a locked gate. Group day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3 1/2 foot fence shall be considered in compliance with the fence requirement.

7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3 1/2 foot fence shall be considered in compliance with the fence requirement.

85) Portable wading pools shall be emptied daily and disinfected ~~cleaned with a germicidal solution~~ before being air-dried.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

106) If public parks or playgrounds are used for play, the children ~~children~~ shall be closely supervised by the caregiver or adult assistant during play and while traveling to and from the area.

117) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part below.

- 1) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents ~~residents~~ or the owners ~~owner~~ authorizing the use of the space by the group day care home and the children cared for.

m) Insect and rodent control shall be maintained.

1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.

2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used ~~applied in areas accessible to children~~ when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

n) Healthy household pets that which present no danger to children are permitted.

1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's ~~children's~~ health and that dogs and cats have been inoculated for rabies.

2) If certification is not available, animals shall be confined at all times in an area inaccessible to children ~~children~~.

3) There shall be careful supervision of children ~~children~~ who are permitted to handle and care for the animals.

4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.

5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.

o) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- premises pose potential health or safety hazards ~~hazard(s)~~ to the children ~~child(ren)~~ cared for in the home.
- p) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the purpose of removing children from the facility as quickly as possible. The evacuation drills shall be conducted monthly for the purpose of getting children accustomed to the correct position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by Section subsection 408.120(c) shall accompany the caregiver during the drills.
- q) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- r) Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.
- s) Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (t) above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms ~~firearm(s)~~ shall be kept in locked storage separate from that of the disassembled firearms ~~firearm(s)~~, inaccessible to children.
- t) The operator of the group home shall notify the parents ~~parent(s)~~ or guardian of any child accepted for care that firearms ~~firearm(s)~~ and ammunition are stored on the premises. The operator shall also notify the parents ~~parent(s)~~ or guardian that such firearms and ammunition are in locked storage inaccessible to children. Such notification need not disclose the location where the firearms and ammunition are stored. (Section 7 of the Act).
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant permission unless the person is responsible for his or her own communicable disease and requires care that such adversely affects the ability of the caregiver to supervise children ~~child(ren)~~.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 5281-2, effective April 1, 2000)

Section 408.35 General Requirements for Group Day Care Home Family

- a) Each person subject to background checks, as defined in Section 408.5, shall authorize the background check required by 89 Ill. Adm. Code 385 (Background Checks) and be cleared in accordance with the requirements of Part 385.
- b) When notified by the Department that an employee, member of the household or other person in frequent contact with children at the facility is the subject of a formal investigation for child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act (325 ILCS 5), the licensee shall take reasonable action necessary to insure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility. Such reasonable action includes, but is not limited to, barring or removing the person from the facility or assuring that another adult is always present when the subject of the investigation is in contact with children ~~child(ren)~~.
- c) Members of the household who have contact with the children ~~child(ren)~~ in care shall treat them with respect, courtesy, and patience.
- d) The caregivers and all members of the household shall provide medical evidence that they are free of a reportable communicable disease that which may be transmitted while providing child care; and, in the case of caregivers ~~caregiver(s)~~, that they are free of physical or mental conditions that which could interfere with the child care responsibilities. The medical report for the caregivers shall be valid for 3 years.
- e) Caregivers ~~caregiver(s)~~ and members of the household shall have a tuberculin skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health (77 Ill. Adm. Code 690.720).
- f) Should the caregivers ~~caregiver(s)~~ or any member of the household be diagnosed as having a communicable disease for which isolation is required by the Department of Public Health (IDPH) or local health department, the group day care home shall not provide child care until notified by the public health agency that the infectious period has elapsed and that child care may resume. Further, a child care assistant or substitute who does not reside in the group day care home who has been diagnosed as having a communicable disease for which isolation is required shall be barred from the home until the presence of such person is authorized by the IDPH or the local health department.
- g) During the hours of operation of the group day care home, there shall be at least one person on the premises certified in first aid and CPR, the Heimlich maneuver and in infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross, or the American Heart

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- home.
- f) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- g) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall which will be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards; and
 - 2) At least one of the siblings has been in care for 30 days or more; and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within 6 six months after the date the plan is approved; effective date of these amendments--who file for full compliance with the standards of this Part may request in writing to increase the licensed capacity to the maximum. A decision regarding the increase in capacity shall be rendered within ninety days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended at 25 Ill. Reg. 528.1 effective APR 1 1991)

Section 408.70 Health and Medical Care

- a) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment.
- 1) The medical report shall be valid for 2 two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code (105 ILCS 5/27-8.1), provided copies of the exam are on file at the facility.
 - 2) Unless the examining physician has made a determination that it is unnecessary, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children begin elementary school. A secondary school unless the examining physician determines that the test is unnecessary. A tuberculin skin test shall be included

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.
- 3) The initial examination shall show that children from the ages of one to 6 years have been screened for lead poisoning by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health. Screening for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health or completion of lead risk assessment for children residing in an area defined as low risk by the Illinois Department of Public Health (See 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code) shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 685, Child Health Examination Code). The report shall indicate whether the child has been immunized as required by the Illinois Department of Public Health for immunization (77 Ill. Adm. Code 695). These required immunizations are polio, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B and haemophilus influenza B.
- 5) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
- 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.
- c) Necessary medications shall be administered according to specific written instructions from the child's parents or guardians.
- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
 - 2) Nonprescription medication provided by the parents parent(s) may

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- be administered upon written parental permission that which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and date.
- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
 - 4) The caregiver shall maintain a record of the dates, hours and dosages that which are given.
 - 5) Medication shall be returned to the parents parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that which has reached its expiration date shall be destroyed.
 - 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents parent(s), shall be observed:
- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding, shall be provided for each child who sleeps or naps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children child(ren) if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
 - 3) The caregiver shall require parents parent(s) to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
 - 4) Caregivers Caregiver(s) and children child(ren) shall use soap and water to wash and--dry their hands before meals, after toileting, after diaper changing, and after contact with regurgitatively secretions. Caregivers shall supervise children's handwashing to ensure that children are not scalded by hot water.
 - 5) Open cuts, sores or lesions on caregivers Caregiver(s) or children child(ren) shall be covered.
 - 6) Caregivers Caregiver(s) shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single use cloths.
 - 7) Sheets shall be changed when soiled and at least weekly.
 - 8) Clothing soiled due to toilet accidents shall be changed

- immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
 - f) When a group day care home admits an ill or injured children child(ren), a plan for the care of such children child(ren) must be agreed upon with the parents parent(s) to assure that the needs of the children child(ren) for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
 - g) Caregivers Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys at least once per day;
 - 2) Washing washable toys with disinfected children child(ren) toys;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
 - h) There shall be an emergency plan for each child in case of accident or sudden illness.
 - 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
 - 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 408.55 must assume supervision of other children child(ren) in the home.
 - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.

(Source: Amended at 25 Ill. Reg. 520.123, effective 4-8-70)

Section 408.75 Discipline of Children

- a) The caregiver shall use disciplinary measures designed and carried out in such a way as to help individual children develop self-control and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

assume responsibility for their own acts.

- 1) The caregiver shall establish simple, understandable rules so that expectations and limitations are clear to the child.
- 2) Discipline shall be in proportion to the particular inappropriate behavior.
- 3) Discipline shall be related to the child's act and be handled immediately by the adult involved so the child is aware of the relationship between acts and consequences.
- 4) Removal from the other children ~~child(ren)~~ as a means of helping a child gain control shall be for a number of minutes not to exceed the child's age in years. Removal from the group shall not be used for children less than 24 months of age.
- b) No child shall be subjected to extreme punishment.
 - 1) No child shall be subjected to physical punishment, nor can shaming, frightening, or humiliating methods be used.
 - 2) There shall ~~can~~ be no verbal abuse, threats, or derogatory remarks about the child or the child's family.
 - 3) Depriving a child of meals or any part of meals shall never be used as punishment.
 - 4) No child shall be punished for toilet accidents.

(Source: Amended at 25 Ill. Reg. 520.1-3, effective

Section 408.80 Nutrition and Meals

a) ~~Meals-and-snacks-shall-be-provided-by-the-facility-in-a-quantity-and-of-such-quality-as-to-meet-the-daily-nutritional-needs-of-the-child-~~

a) Food requirements for children ~~child(ren)~~ between birth and the age of eating table food shall be geared to the individual needs of the child and determined by consultation with the parents. The facility shall provide one-third to two-thirds of the daily nutritional requirements, depending on the length and time of day of the child's stay. The main meal shall be nutritionally balanced conforming to age appropriate portions and variety as reflected in the Meal Pattern Charts, Appendices A and B.

b) ~~Children~~ ~~child(ren)~~ one year of age and older in attendance for more than 2 but less than 5 five hours shall be served a mid-session snack consisting of one-half cup of pure fruit juice or full-strength canned or frozen fruit juice that which contains at least 30 milligrams of Vitamin C per serving, or one to one-half cup of pasteurized milk, or one serving of citrus fruit.

c) ~~Children~~ ~~child(ren)~~ one year of age and older in attendance 5 five to 10 ten hours shall be served at least one-third of their daily food requirements, which shall include a well-balanced, nutritive meal. Occasional picnic-type meals may be substituted for a main meal. Midmorning and midafternoon snacks consisting of fruit, fruit juice, or pasteurized milk (as prescribed under subsection (c) above) shall

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

be included. Children ~~child(ren)~~ in attendance for over 10 ten hours shall be served food to provide at least two-thirds of their daily food requirements. Two meals and the supplemental snacks will meet this requirement. One of the meals may be breakfast or supper, depending on the time the child arrives or departs.

d) Children under one year of age who are no longer drinking formula or breast milk shall be served whole milk unless low-fat milk is requested by the child's physician.

e) Children ~~child(ren)~~ shall be served small servings of bite-size pieces.

1) All meals shall be suitable for children ~~child(ren)~~ and prepared by methods designed to conserve nutritive value, flavor, and appearance.

g) Children under 2 years of age shall not be fed whole berries, hard candies, raisins, corn kernels, raw carrots, whole grapes, corn dogs, nuts, seeds, popcorn, raw peas or peanut butter, as these foods may cause choking.

i) Cooked carrots, corn, peas and bananas may be served to infants only if mashed, grated or pureed.

j) Hot dogs and raw carrots may be served to children between 2 and 3 years of age only if cut into short, thin strips. Peanut butter shall only be served to children between 2 and 3 years of age if thinly spread on bread, crackers or other foods or if mixed with other foods. j) Drinking water shall be readily available to the children ~~child(ren)~~ at all times.

kh) Mealtimes shall be pleasurable experiences for the child.

1) There shall be enough time allowed for meals so the children ~~child(ren)~~ can eat in an unhurried atmosphere.

2) Children ~~child(ren)~~ shall be encouraged but not forced to try new foods.

3) Information provided by parents concerning the child's eating habits, food preferences, or special needs should be considered in planning menus.

4) Food preferences and eating habits shall not be permitted to become a source of friction at mealtimes.

5) Mealtimes should occur in a social atmosphere and afford children ~~child(ren)~~ the close presence of an attentive adult.

1+) Meals shall not be brought from home as a substitute for a meal provided by the facility except as provided in subsection (n) (++) below.

m) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions, or religious beliefs shall be provided meals and snacks in accordance with the child's needs and the written instructions of the child's parent ~~parent(s)~~, guardian, or a licensed physician. Such instructions shall list any dietary restrictions/requirements and shall be signed and dated by the child's parent ~~parent(s)~~, guardian or physician requesting the special diet. The group day care home may request the parent ~~parent(s)~~ or guardian to supplement food served by the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

facility. When food is supplied by the parent ~~parent(s)~~ or guardian, the facility shall be responsible for assuring that it is properly stored and served to the specific child in accordance with the diet instructions on file at the facility. Records of food intake shall be maintained when indicated by the child's physician.

(Source: Amended at 25 Ill. Reg. 5281-1 effective

Section 408.90 Transportation of Children

a) Children ~~child(ren)~~ may be transported only when the child/adult ratios in accordance with Section 408.65 are maintained and the person transporting is ~~by persons 18 years of age or older and has a valid driver's license for the vehicle classification being used. in the child/adult ratio prescribed in Section 408.65.~~

b) Caregivers shall be responsible for assuring the safe transport of children ~~child(ren)~~.

c) Each child shall be individually fastened into a suitable infant or child restraint device whenever the vehicle is in motion. The restraint shall be federally approved and labeled as such and used in accordance with the manufacturer's instructions. This requirement shall not apply to a child for whom a physician has certified, in writing, that the child has a physical handicap that which prevents wearing an appropriate restraint device.

d) While transporting children ~~child(ren)~~, the driver shall be responsible for seeing that:

- 1) Each child shall board or leave the vehicle from the curb side of the street, and shall be safely conducted to the home or facility.
- 2) A responsible person as designated by the child's parent ~~parent(s)~~ or guardian shall receive the child when delivered to the home or the facility.

e) No child shall be left unattended in a vehicle.

f) The vehicle shall be safely equipped and the caregiver shall comply with State ~~state~~ and local laws pertaining to vehicles.

- 1) The vehicle shall be equipped in accordance with requirements of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12] ~~431R-Rev-Stat--49677--Ch-95-172--para-12-100-et-seq--~~ and local vehicle safety ordinances.

2) Evidence of compliance regarding vehicle liability and medical insurance shall be on file with the home records. Evidence may consist of, but is not limited to, a copy of an insurance policy, binder or certificate; or a letter from the insurance carrier.

- 3) The vehicle shall be equipped with safety locking devices on doors and shall be maintained in mechanically safe condition at all times.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 5281-1 effective

Section 408.105 Children Under 30 Months of Age

a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or hazardous areas without the caregiver or assistant present.

b) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.

- 1) The caregivers ~~caregiver(s)~~ shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
- 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
- 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
- 4) The caregivers ~~caregiver(s)~~ shall frequently change the place, position, and toys available for children who cannot move about the room.

5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parents ~~parent(s)~~ and caregiver in accordance with the child's age and/or stage of development.

6) Children ~~child(ren)~~ shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parents ~~parent(s)~~ or physician.

c) Feeding schedules and procedures shall meet the developmental needs of the children ~~child(ren)~~.

- 1) Flexible feeding schedules of children shall be established to coordinate with parents' ~~parent(s)~~ schedules at home and to allow for nursing.
- 2) To reduce the incidence of avoid sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided unless specifically instructed by the child's physician to do so.
- 3) Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. ~~Children up to 6 months of age shall be held while being bottle-fed--Children of more than 6 months may be held if needed--Bottles shall not be propped at any time. When infants are able old enough to hold their own non-glass bottle, they may feed themselves without being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.~~
- 4) Bottles shall never be warmed or defrosted in a microwave oven.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 54) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.
- 55) Safe finger foods such as those that which dissolve in the mouth month may be provided.

d) Proper standards of hygiene shall be observed in the home.

- 1) Hands shall be washed and dried before the feeding of each child.
 - 2) If the child's formula is brought in by the parent, it shall be labeled and refrigerated.
 - 3) All utensils shall be washed after each use.
 - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.
 - 5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
 - 6) Persons ~~persons~~ changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable ~~latex-rubber-or-plastic~~ gloves shall be worn when changing a child who has watery or bloody stools.
 - 7) The child whose diaper is ~~diapers-are~~ being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.
 - 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfected ~~sanitized~~ after each use, or on a disposable paper sheet that which is disposed of after each diapering.
 - 9) The toilet seat, if soiled, or potty shall be cleaned after every use.
 - 10) Soiled diapers shall be changed promptly.
 - 11) Sheets shall be changed when soiled, and all sheets shall be changed routinely two times per week.
 - 12) All beds shall be wiped clean as often as necessary.
- e) A germicidal solution of 1/4 cup ~~one-1/4-part~~ household chlorine bleach to nine one gallon of ~~49-parts~~ water (or one tablespoon bleach to one quart of water) or other germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- f) The equipment must be appropriate to the developmental needs of the children ~~children~~ in care.
- 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- fitting mattresses made of waterproof water-proof materials that can be washed. Washable coats may be used for children 15 months of age and over.
- 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
 - 3) There shall be no more than 1 1/2 one-and-one-half inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
 - 5) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
 - 6) A toilet seat or potty shall be provided.
- g) The materials must be appropriate to the developmental needs of the child in care.

- 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
- 2) ~~Cribs--shall-be--equipped--with--brightly-colored-hanging-toys-or-mobies--~~
- 23) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
- 34) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
- 4) Mobile walkers are prohibited. Stationary walkers may be used.
- h) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended at 25 Ill. Reg. 502.1-2 effective 4/1/11)

Section 408.115 Night Care

- a) A group day care home receiving children ~~children~~ for night care shall comply with the standards prescribed for group day care homes in addition to the special requirements prescribed in this Section.
- b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the group day care home occurs between 6:00 p.m. and 6:00 a.m.
- c) The child shall be bathed, if needed.
- d) No child under 5 years of age shall be left unattended while in the bathtub.
- e) Each child must have individual sleeping garments that are clean and comfortable.
- f) An individual bed bed, crib, or cot and individual linen and bedding

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

shall be provided for each child except as herein provided in this subsection (f):

- 1) A double bed shall be the minimum size for sleeping 2 ~~two~~ non-enuretic children of the same sex.
- 2) Rubber sheets or suitable substitutes shall be supplied when necessary.
- 3) If a ~~an~~ crib is used there shall be no more than 1 1/2 ~~one-and-one-half~~ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
- g) Caregivers and children receiving night care shall sleep on the same floor (level) of the residence.
- h) A basement area may be used for sleeping or napping if it has been approved in accordance with Section 408.30(a)(9).
- 1) A room above the first floor may be used for sleeping or napping if the room has 2 exits with one exit leading directly to the outside with means to safely reach the ground level.
- 1j) There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.
- k) A child who goes to school from a group day care home providing night care shall be clean and properly dressed according to the weather.
- 1g) Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.
- 1h) Health care routines at bedtime and/or upon rising shall include:
 - 1) Brushing teeth at bedtime and upon rising.
 - 2) Brushing or combing the hair upon rising.
 - 3) Establishing a routine for toileting at bedtime and upon rising.
- 1i) When possible, children ~~childrent~~ shall be left for care and picked up either before or after their normal sleeping period so that there is minimum disturbance of the children ~~childrent~~ during sleep.
- o) The group day care home shall serve meals and snacks that supplement food served at home as prescribed in Section 408.80.
 - 1) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children ~~childrent~~ who may arrive without having first eaten.
 - 2) A bedtime snack shall be served, unless contraindicated by parents or physician in accordance with Section 408.80.
 - 3) Children ~~childrent~~ who remain overnight and go to school directly from the group day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.

(Source: Amended at 25 Ill. Reg. 5281 ~~---~~, effective 1/1/81 ~~---~~)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

Section 408. APPENDIX D Minimum Equipment and Supplies - Infant and Toddler Programs

INFANT PROGRAMS	TODDLER PROGRAMS
Furnishings: 1. Sufficient infant-sized tables and chairs with backs for infants able to sit alone. One chair per infant; no folding chairs.	1-Same as furniture for preschool programs, plus: 2-- Training-chairs- -- (Stackable-cots-may be substituted for ---napping-) 33-- Bathing-tub. 1)47 Changing table with changeable covering.
2. One crib with mattress and blanket per infant in attendance.	2)457 Diaper pail with liners. Toilet with training seat, child-size toilet or potty chair.
3. Wen-unat First aid first-aid kit.	3)487 Gates as needed for safety.
4. Crib with mattress and blanket for 111 infant.	
5. Chairs with backs (for staff).	
6. Low open shelves and bookcases (one foot per child).	
7. Space and equipment for maintenance of children's records.	
8. Adult rocker.	
9. Individual space for outer clothing.	
10. High chairs.	
11. Infant seats.	
12-- Baby walkers toys 1277	
12-49- Bathing tub.	
13-47 Changing table with changeable covering.	
14-45- Diaper pail with liners.	
15-46- Area rug or carpeting.	
16-47- Play pens (optional).	
17-48- Gates as needed for safety.	
18-49- Refrigerator.	

INFANT PROGRAMS

TODDLER PROGRAMS

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Active Large-Muscle Play Large-muscle-play:
1. Large building blocks (may be of non-durable material).
 2. Durable large building blocks.
 - 2 1/2. Five pieces of durable large-muscle equipment such as:
 - Baby bouncers
 - Large turning balls
 - Two-step slide
 - Body wheels
 - Rocking boat
 - Riding stools.
 - Indoor gym house
 - Swing
 - Tunnel
 - Climber.
 4. Water-play equipment.

INFANT PROGRAMS

- Art and Music Activities:
1. Cassette or compact disk player.
 2. Phonograph
 2. Cassette tapes or CDs--at least 10.
 2. Double easel.
 3. Rhythm band.
 3. Musical pull-toys.
 4. Rattles.
 5. Drum (without stocks).

TODDLER PROGRAMS

- SAME-AS-PRESEHOOD PROGRAMS:
- 1) Cassette tapes or CDs--at least 10.
 - 2) Double easel.
 - 3) Rhythm band.

INFANT PROGRAMS

- Fine Motor Development:
- FINE-MOTOR DEVELOPMENT:
1. Watching and feeling toys--one per every 2 children such as:
 - Plastic plate.
 - clutch toys
 - Form toys
 - Rattles
 - Roller toys
 - Feeling feeling balls.
 2. Manipulative toys--one per every 2 children such as:
 - Teething teething toys
 - Wooden wooden rattles

TODDLER PROGRAMS

- SAME-AS-PRESEHOOD PROGRAMS:
- 1) Manipulative toys--one per every 3 children, e.g.:
 - Feds and pegboards
 - Large beads and strings
 - Interlocking plastic forms, puzzles, nesting blocks.
 - 2) Sand or water play equipment.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Shape shape toys
Clutch clutch balls.

INFANT PROGRAMS

- Language Development:
1. Pictures.
 2. Bulletin boards.

TODDLER PROGRAMS

- SAME-AS-PRESEHOOD PROGRAMS:
- 1) Pictures.
 - 2) Bulletin boards.
 - 3) Flannel board and flannel sets.
 - 4) Durable books.

INFANT PROGRAMS

- Linens and Supplies:
1. For each crib:
 - bumpers, sheets (cotton, plus rubber and/or plastic), blankets.
 - 2. Bath towels.
 - 3. Wash cloths.
 - 4. Diapers.
 - 5. Covers (cover for changing table).
 - 6. Sterile cotton balls.
 - 7. Facial tissues.
 - 8. Soap.
 - 9. Petroleum jelly or ointment.
 - 10. Rubber-bulk ear syringe with blunt plastic or rubber tip.
 - 11. Bottle warmer.

TODDLER PROGRAMS

- SAME-AS-PRESEHOOD PROGRAMS:
- 1) Clay or play dough.
 - 2) Tempera or finger paints (non-toxic).
 - 3) Paper (colored and white).
 - 4) Paste (non-toxic).
 - 5) Scraps--collage.
 - 6) Paint brushes.
 - 7) Crayons.
 - 8) Blunt scissors.
 - 9) Aprons-smocks.
 - 10) Dishes, silverware and cups, if meals are to served.
 - 11) Wash cloths.
 - 12) Diapers.
 - 13) Covers for changing table.
 - 14) Facial tissue.
 - 15) Soap.
 - 16) Petroleum Petroleum jelly or bland diaper-rash ointment.

(Source: Amended at 25 Ill. Reg. 5281-2, effective 1/1/11)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 408 APPENDIX F Early Childhood Teacher Credentialing Programs

The Department will use the following criteria to review and approve early childhood teacher credentialing programs:

Eligibility Requirements

1. Candidates must be at least 18 years of age.
2. Candidates must have at least a high school diploma or equivalency (GED).
3. The credentialing program must require a minimum of 640 clock hours of documented experience within the past 5 years working with children ages zero to 6 in a public or private school operated nursery school, kindergarten or licensed day care center.

Credentialing Process

The credentialing process must include:

1. The child care director's recommendation in support of the candidate.
2. A review of the applicant's interaction with children under direct supervision by an impartial person.
3. A minimum of 120 clock hours of broad based training that has been completed successfully and that has been documented. One semester hour of college credits in early childhood education is equivalent to 15 clock hours of formal in-service training. This training may be completed through:
 - A. Early childhood education courses at an accredited college or university or
 - B. Documented seminars and workshops pertaining to the growth and education of children zero to 6 years of age, at educational conferences of recognized national or state associations, agencies, or educational institutions.
4. Professional resource file or portfolio that demonstrates the understanding of core professional content areas including, but not limited to, the following:
 - A. Principles of child growth and development.
 - B. Planning a safe, healthy learning environment.
 - C. Advancing children's physical and intellectual development.
 - D. Supporting children's social and emotional development.
 - E. Establishing productive relationships among family, school, and community.
 - F. Managing an effective program operation.
 - G. Maintaining a commitment to professionalism.
 - H. Observing and recording children's behavior.
 - I. Understanding the development of children's language.
5. An evaluation program that requires a professional review through observation and written assessment of:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A. Competence in the core professional content areas.
- B. Interaction with children in the child care environment.
- C. Professional portfolio or file.
- D. Required training.
- E. Verbal and written communication skills.
6. Observation and final assessment shall be done by an impartial committee or individual, not by the candidate's own director/employer.
7. A renewal of the credential shall be required at least every 5 years and shall require at least 20 additional clock hours of training. One semester hour of college is considered equivalent to 15 clock hours of formal in-service training.
8. All training shall be documented.

Approved Credentials

Child Development Associate Credential
Council for Early Childhood Professional Recognition
2460 16th Street, N.W.
Washington, DC 20009
1-800-424-4310

Certified Childcare Professional
National Child Care Association
1029 Railroad Street, N.W.
Convers, Georgia 30207
1-800-543-7161

(Source: Added at 25 Ill. Reg. 5081-1 effective

4/1/91)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 408, APPENDIX G In-service Training

- a) Entities that may provide in-service training to meet the requirements of Section 406.9(a) include, but are not limited to:

- 1) colleges and universities
- 2) child care resource and referral agencies
- 3) Illinois Department of Public Health or local health departments
- 4) Office of the State Fire Marshal or local fire department
- 5) Illinois Department of Children and Family Services
- 6) Illinois Department of Human Services
- 7) state or national child care or child advocacy organizations
- 8) national, state or local family day care home associations
- 9) Child and Adult Care Food Program sponsors
- 10) Healthy Child Care Illinois nurses
- 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health

- b) Topics or courses to meet the in-service training requirements include, but are not limited to:

- 1) child care and child development
- 2) guidance and discipline
- 3) first aid and CPR
- 4) symptoms of common childhood illness
- 5) food preparation and nutrition
- 6) health and sanitation
- 7) small business management
- 8) child abuse and neglect
- 9) working with parents and families

- c) In-service training may be acquired through the following:

- 1) attending college or university or vocational school classes (clock hours spent in the classroom are counted)
 - 2) attending conferences or workshops (Certificate or other proof of attendance, clock hours and subject matter is required.)
 - 3) attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (Documentation of attendance, subject matter and clock hours is required.)
 - 4) in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (Documentation must include the topic and the clock hours.)
 - 5) self-study materials provided by a child care resource and referral (CCR&R) agency (Certification of clock hours must be secured from the CCR&R.)
 - 6) internet home study programs if the internet site provides documentation of use and number of clock hour
- d) Licensed providers shall meet the following clock hour requirements for in-service training per calendar year:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Calendar year 2001 7 Hrs. 30 Min.
 Calendar Year 2002 12 Hrs.
 Calendar Year 2003 and thereafter 15 Hrs.

- e) For newly licensed providers, required annual in-service training hours are prorated based on the month of the effective date of license.

- 1) For newly licensed providers in 2001

Month of License	Training Hours Required
April	7 Hrs. 30 Min.
May	6 Hrs. 45 Min.
June	6 Hrs.
July	5 Hrs.
August	4 Hrs. 15 Min.
September	3 Hrs. 15 Min.
October	2 Hrs. 30 Min.
November	1 Hr. 45 Min.
December	1 Hr.

- 2) For newly licensed providers in 2002

Month of License	Training Hours Required
January	12 Hrs.
February	11 Hrs.
March	10 Hrs.
April	9 Hrs.
May	8 Hrs.
June	7 Hrs.
July	6 Hrs.
August	5 Hrs.
September	4 Hrs.
October	3 Hrs.
November	2 Hrs.
December	1 Hr.

- 3) For newly licensed providers in 2003 and thereafter

Month of License	Training Hours Required
January	15 Hrs.
February	13 Hrs. 45 Min.
March	12 Hrs. 30 Min.
April	11 Hrs. 15 Min.
May	10 Hrs.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

June 8 Hrs. 45 Min.
 July 7 Hrs. 30 Min.
 August 6 Hrs. 15 Min.
 September 5 Hrs.
 October 3 Hrs. 45 Min.
 November 1 Hr. 30 Min.
 December 1 Hr. 15 Min.

(Source: Added at 25 Ill. Reg. 5281 effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:
113.253 Amendment
113.260
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- 5) Effective Date of Amendments: March 30, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 29, 2000 (24 Ill. Reg. 18975)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rulemaking: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the increase in Social Security and SSI benefits to ensure that the cost of living increase is passed on to the recipient. Persons receiving both SSA and SSI will receive a total increase of \$18.00 for both benefits. The increase is received in the January 2001 SSA/SSI checks. As a result of the \$18.00 increase in the January 2001 SSA/SSI benefits, these amendments increase the grant

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

adjustment and the sheltered care/personal or nursing care rates by \$18.00.

16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER D: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
113.1	Incorporation By Reference
113.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earned Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services Assets
113.140 Exempt Assets
113.141 Asset Disregard
113.142 Deferral of Consideration of Assets
113.143 Property Transfers For Applications Filed Prior To October 1, 1989
113.154 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care/Personal or Nursing Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

113.262 Meeting the Needs of an Ineligible Dependent with Client's Income
SUBPART E: OTHER PROVISIONS
Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance (Repealed)
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture (Repealed)
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320 Redetermination of Eligibility
113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
113.400 Description of the Interim Assistance Program
113.405 Pending SSI Application (Repealed)
113.410 More Likely Than Not Eligible For SSI (Repealed)
113.415 Non-Financial Factors of Eligibility (Repealed)
113.420 Financial Factors of Eligibility (Repealed)
113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435 Medical Eligibility (Repealed)
113.440 Attorney's Fees for SSI Applicants (Repealed)
113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective February 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

P. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, P. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, P. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 39, P. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 36, effective November 13, 1979; amended at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 387, effective July 8, 1980, for a maximum of 150 days; 111. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 5 Ill. Reg. 466, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 3722, effective June 1, 1981; amended at 5 Ill. Reg. 7074, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 19, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective June 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9918, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 3, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; reclassified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16346, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective 10/1/01.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for \$351.90 \$939.99 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

adjustment" of \$10 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 25 Ill. Reg. 5326, effective 10/1/01.)

Section 113.260 Sheltered Care/Personal or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
\$ 839.55 821-55	0-7	\$ 851.55 839-55
844.55 826-55	8	857.55 839-55
849.55 831-55	9	861.55 845-55
854.55 836-55	10	869.55 851-55
859.55 841-55	11	875.55 857-55
864.55 846-55	12	881.55 863-55
869.55 851-55	13	887.55 869-55
874.55 856-55	14	891.55 875-55
879.55 861-55	15	899.55 881-55
884.55 866-55	16	905.55 887-55
889.55 871-55	17	911.55 893-55
894.55 876-55	18	917.55 899-55
899.55 881-55	19	923.55 905-55
904.55 886-55	20	929.55 911-55
909.55 891-55	21	935.55 917-55
914.55 896-55	22	941.55 923-55
919.55 901-55	23	947.55 929-55
924.55 906-55	24	953.55 935-55

a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group B Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 25 Ill. Reg. 5326, effective 10/1/01.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Practice in Administrative Hearings2) Code Citation: 89 Ill. Adm. Code 143) Section Numbers:

14.1 New
 14.2 New
 14.5 New
 14.10 New
 14.11 New
 14.12 New
 14.15 New
 14.20 New
 14.21 New
 14.22 New
 14.23 New
 14.30 New
 14.35 New
 14.40 New
 14.45 New
 14.50 New
 14.55 New
 14.60 New
 14.70 New
 14.80 New
 14.100 New
 14.101 New
 14.102 New
 14.300 New
 14.310 New
 14.320 New
 14.330 New
 14.340 New
 14.350 New
 14.360 New
 14.370 New
 14.380 New

4) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].5) Effective Date of Rules: March 15, 20016) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: October 6, 2000 , 24 Ill. Reg. 1451310) Has JCARE Issued a Statement of Objection to these rules? No11) Differences between proposal and final version:

In Section 14.5:

Added definition of "Administrative Disqualification Hearing" which means a hearing conducted pursuant to 7 CFR 273.16 regarding alleged intentional program violations of the Food Stamp Program.

Added definition of "Filed". A document shall be considered filed on the date it is postmarked, if mailed, or on the business day the action is received by the Department if it is delivered by hand, phone or fax. Contact in person or by phone or fax shall be considered filed on a business day, if it is received prior to the close of business, 5:00 pm, on that date. If receipt is after 5:00 pm, the action shall be deemed filed on the next business day.

Added a definition of "KidCare". "KidCare" - Assistance in providing health insurance coverage to eligible children, under age 19, and pregnant women.

In Section 14.10 (f)(1), added comma after "issue" and the same in (2).

In Section 14.11 (b), added "The appellant must receive that statement at least 2 business days before the Hearing. If the statement is mailed, the local office should allow at least 2 business days for receipt."

In Section 14.15, deleted the lable "a)" and added "This notice shall be provided at least 10 days prior to the hearing."

In Section 14.20, added subsection "e)". "The Department shall provide reasonable accommodations under the Americans with Disabilities Act (42 USC 12101) for access to and participation in a hearing."

In Section 14.30, deleted "may" and added "must".

In Section 14.30, after "hearing officer", added "or other assistance hearing administrator if a hearing officer has not been appointed."

In Section 14.60(d), deleted "received by" after "be" and added "filed

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER A: GENERAL PROVISIONS

PART 14
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Purpose	Section
14.1 Purpose	14.1
14.2 Incorporation by Reference	14.2
14.3 Definitions	14.3
14.4 Initiation of an Appeal	14.4
14.5 Pre-Hearing Meeting	14.5
14.6 Review of Case Record	14.6
14.7 Notice of Hearing	14.7
14.8 Venue and Conduct of Hearings	14.8
14.9 Representation	14.9
14.10 Appellant Participation in Hearing	14.10
14.11 Evidentiary Requirements	14.11
14.12 Subpoenas	14.12
14.13 Amendment of Appeal	14.13
14.14 Consolidation of Appeals	14.14
14.15 Postponement or Continuation of Hearings	14.15
14.16 Withdrawal of Appeal	14.16
14.17 Closing of Hearing Record	14.17
14.18 Dismissal of Appeal	14.18
14.19 Final Administrative Decision	14.19
14.20 Public Aid Committee	14.20

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Purpose	Section
14.21 Responsible Relative and Joint Payee Petitions	14.21
14.22 Petition for Hearing	14.22
14.23 Conduct of Administrative Support Hearings	14.23

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Purpose	Section
14.24 Suspected Intentional Violation of the Program	14.24
14.25 Advance Notice of Administrative Disqualification Hearing	14.25
14.26 Postponement of Hearing	14.26
14.27 Administrative Disqualification Hearing Procedures	14.27
14.28 Failure to Appear	14.28
14.29 Participation While Awaiting a Hearing	14.29
14.30 Consolidation of Administrative Disqualification Hearing with Fair	14.30

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

with".

In Section 14.60(e)(3), added after "emergency", "or other circumstances beyond the appellant's control which reasonably prevents the appellant from attending the hearing".

In Section 14.60(f), changed "which" to "that".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace emergency rules currently in effect? No

4) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rules: This rulemaking adds a new Part to the Department of Human Services rules. The new rulemaking describes the practice in administrative hearing for many of the "Public Assistance" programs provided by the Department.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

- Hearing
14.370 Administrative Disqualification Hearing Decision and Notice of
Decision
14.380 Appeal Procedure

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Adopted at 25 Ill. Reg. 5335, effective

SUBPART A: ASSISTANCE APPEAL

Section 14.1 Purpose

This Part applies to Public Assistance appeals filed by or on behalf of applicants or recipients of assistance under the Department of Human Services.

Section 14.2 Incorporation by Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or additions.

Section 14.5 Definitions

"Administrative Disqualification Hearing" means a hearing conducted pursuant to 7 CFR 273.16 regarding alleged intentional program violations of the Food Stamp Program.

"Appeal" or "Fair Hearing" means the contesting of an action taken by the Department by an applicant or recipient of Public Assistance services. Such action may include but is not limited to the following: refusal to accept an individual's application; failure to act on the application; denial of an application; a decision to reduce, suspend or terminate, or change the amount of assistance; failure of the Department to take appropriate action on the individual's request; a decision affecting the basis for issuances of food stamps; and any issues of Department policy that, when applied, aggravate the individual.

"Appellant" means the individual or his/her authorized representative who has applied for, received, or been denied financial assistance, medical assistance or food stamps and is appealing an action or inaction of the Department. All references to appellant include any authorized representative.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

"Business day" means any day that the offices of the State of Illinois are open for business. This would exclude Saturdays, Sundays and State holidays.

"Day" means a calendar day unless otherwise specified.

"Department" means the Illinois Department of Human Services.

"Filed" -- a document shall be considered filed on the date it is postmarked, if mailed, or on the business day the action is received by the Department if it is delivered by hand, phone or fax. Contact in person or by phone or fax shall be considered filed on a business day, if it is received prior to the close of business, 5:00 pm, on that date. If receipt is after 5:00 pm, the action shall be deemed filed on the next business day.

"Hearing Officer" means the individual authorized by the Secretary to preside at the hearing.

"Notice" means written correspondence sent by the Department to an individual to inform the individual of actions taken by the Department. (See 89 Ill. Adm. Code 102.70.)

"Party" means the Department or person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party [5 ILCS 100/1-55] or the appellant.

"Public Aid Committee" means the committee of local government that consists of the membership as spelled out in Section 11-8 of the Public Aid Code [305 ILCS 5/11-8] to hear appeals of applicants or recipients of General Assistance as governed by Article VI of the Public Aid Code [305 ILCS 5/Art. VI].

"Public Assistance" means the provision of various programs of financial and medical assistance, including the following:

"AABD" -- Aid to the Aged, Blind or Disabled financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration. (See 89 Ill. Adm. Code 113.)

"Child Care" -- Public Assistance to pay for the child care of eligible families under qualified circumstances.

"Financial Assistance" -- Public Assistance paid in the form of a cash benefit to a recipient for income maintenance needs.

"Food Stamps" -- Increased food purchasing benefits assistance to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

eligible recipients. (See 89 Ill. Adm. Code 121.)

"General Assistance" -- Financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program. (See 89 Ill. Adm. Code 114.)

"KidCare" -- Assistance in providing health insurance coverage to eligible children, under age 19, and pregnant women.

"Refugee Resettlement Program" -- Assistance for refugees from any country.

"Repatriate Program" -- Assistance for United States citizens and their dependents returned from a foreign country by the U.S. State Department.

"Medical Assistance Grant" (MAG) -- Medical assistance paid on behalf of a recipient of financial assistance.

"Medical Assistance No Grant-cases" (MANG) -- Medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance. This assistance includes:

MANG(AABD) -- Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Human Services; and

MANG(C) -- Medical assistance to needy families with children is available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

Temporary Assistance to Needy Families (TANF) -- Financial and medical assistance available to eligible families with one or more dependent children. (See 89 Ill. Adm. Code 112.)

"Representative" means an attorney or other individual authorized by the appellant to act on the appellant's behalf in the proceedings contained in this Part. The authorization shall be in writing and specify the scope of the representative's authority.

"Secretary" means the Secretary of the Illinois Department of Human Services.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

Section 14.10 Initiation of an Appeal

- a) For all appeals other than General and Transitional Assistance outside the City of Chicago, the appeal process is initiated by the appellant by:
- 1) filing a written, signed request with the Bureau of Assistance Hearings;
 - 2) filing a written, signed request with the respective local office; or
 - 3) telephoning a request to the Bureau of Assistance Hearing's toll free number for filing appeals.

- b) A food stamp appeal may also be initiated by an oral request of the appellant to the local office.

- c) For General and Transitional Assistance outside the City of Chicago, the appeal process is initiated by the appellant filing a written, signed request with the Public Aid Committee. (See Section 14.80.)

- d) For purposes of an appellant initiating the appeal process, a facsimile of a written, signed request for a fair hearing is considered the same as the original written, signed request.

- e) An appeal may be filed by individuals who apply for or receive financial assistance, medical assistance, or food stamps, or by their authorized representatives. Authorized representatives must provide a written, signed authorization from the individual designating them as the individual's representative.

- f) An appeal must be filed within the following time frames:

- 1) For a public assistance issue, the appeal must be filed within 60 days after the Department's action to notify the client; or
- 2) For a food stamp issue, the appeal must be filed within 90 days after the Department's action to notify the client.

Section 14.11 Pre-Hearing Meeting

- a) The local office shall schedule a pre-hearing meeting with the appellant within 10 days after a notice of appeal is received. If the issue being appealed is a denial for expedited food stamps, the local office shall schedule a pre-hearing meeting within 2 business days after a notice of appeal is received.

- b) If the appellant does not withdraw the appeal following the meeting, the Department shall complete a written statement of facts supporting its action or inaction and provide it to the appellant. The appellant must receive that statement at least 2 business days before the Hearing. If the statement is mailed, the local office should allow at least 2 business days for receipt.

Section 14.12 Review of Case Record

Prior to the hearing the appellant shall have the opportunity to examine appellant's case record and obtain copies of case record material. Copies of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

the parts of the case record relevant to the hearing shall be provided free if requested by the appellant.

Section 14.15 Notice of Hearing

The Department shall send written notice to the appellant and any authorized representative of the time, date and place of the hearing. This notice shall be provided at least 10 days prior to the hearing.

Section 14.20 Venue and Conduct of Hearings

- a) All hearings will be conducted in the county in which the appellant resides or in another county acceptable to the appellant. *Hearings under this Section may be conducted with some or all of the parties, including the hearing officer, at different locations connected with each other by telephone [305 ILCS 5/ 11-8.2].*
- b) *If the appellant is outside the State, the hearing officer may take depositions from the appellant and the appellant's witnesses or permit the appellant to present all relevant matter in support of this claim. This may be accomplished through witnesses acting in the appellant's behalf, or both by deposition or testimony of witnesses, depending upon the circumstances in each case [305 ILCS 5/11-8.2].*
- c) All hearings will be conducted by:
 - 1) An impartial hearing officer authorized by the Secretary to consider issues under appeal covered by this Part; or
 - 2) A Public Aid Committee for General and Transitional Assistance appeals outside the City of Chicago.
- d) The hearing shall be open to such persons as the hearing officer or the Public Aid Committee deems necessary and proper for the orderly and efficient conduct of the hearing.
- e) The Department shall provide reasonable accommodations under the Americans with Disabilities Act (42 USC 12101) for access to and participation in a hearing.

Section 14.21 Representation

The appellant may appear without representation at the hearing or may be represented by legal counsel or other authorized representative, in which case the appellant need not be present at the hearing. The representative must have a written authorization signed by the appellant prior to any action taken on behalf of the appellant. The action or inaction of an authorized representative shall be deemed to be action or inaction of the appellant.

Section 14.22 Appellant Participation in Hearing

- a) The appellant shall have the opportunity to:
 - 1) Present evidence and witnesses in the appellant's behalf.
 - 2) Refute testimony or other evidence and cross-examine witnesses.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

- b) If an appellant dies before the date of hearing, the appeal process may be pursued by someone acting responsibly in the appellant's behalf.

Section 14.23 Evidentiary Requirements

The hearing shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, but shall be conducted in a manner best calculated to conform to substantial justice.

Section 14.30 Subpoenas

Subpoenas must be requested by the appellant prior to the hearing. Subpoenas may be granted at the discretion of the hearing officer or other assistance hearing administrator if a hearing officer has not been appointed.

Section 14.35 Amendment of Appeal

A request to amend an appeal may be made in writing prior to the hearing, or at the hearing. The appeal may be amended only if, in the judgment of the hearing officer, the amendment is germane to the subject matter of the original request for an appeal hearing.

Section 14.40 Consolidation of Appeals

- a) The Department may consolidate a number of individual appeals for the purpose of conducting a single group hearing if it is determined that all of the appeals involve the same issue or similar issues, and the only issues in question are the application of State or Federal law or policy.
- b) An appellant may withdraw from the group and present an appeal individually if, in the judgment of the hearing officer, it is warranted by the circumstances.
- c) The Department may consolidate a number of appeals filed by the same individual into a single hearing.

Section 14.45 Postponement or Continuation of Hearings

- a) The Department may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date. A "continuance" is a decision not to proceed with a hearing that has convened.
- b) A request for postponement or continuance may be made by the appellant or the appellant's authorized representative. Except for the appellant's request for the first postponement of a food stamp appeal, a request to postpone a hearing must be received by the Bureau of Assistance Hearings at least 2 business days prior to the scheduled hearing date. A request for postponement made less than 2 business

DEPARTMENT OF HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

days prior to the scheduled hearing date will be granted only upon a showing of good cause as defined in Section 14.60(e).

- c) If the request for a continuance or postponement is granted, the Bureau of Assistance Hearings shall schedule a hearing as early as is reasonably practicable and shall notify the parties of the new date, time and place of the hearing.

- d) The appellant's first request for a postponement or continuance does not require a showing of good cause, if submitted timely. All subsequent requests for postponement or continuance will be granted only upon a showing of good cause. Good cause to postpone or continue a hearing includes, but is not limited to, the reasons set forth in Section 14.60(e).

Section 14.50 Withdrawal of Appeal

An appeal may be withdrawn by the appellant either prior to or at the hearing. A withdrawal must be in writing and signed by the appellant or entered on the record.

Section 14.55 Closing of Hearing Record

At the adjournment of the hearing, the record shall be closed and no further evidence may be submitted. Prior to adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence specifically identified during the hearing may be granted by the hearing officer.

Section 14.60 Dismissal of Appeal

- a) An appeal shall be dismissed if:

- 1.) The appellant or the appellant's authorized representative does not appear at the time, date and place designated for the hearing; or
 - 2.) The appellant or the appellant's authorized representative fails to appear or refuses to proceed with the hearing.
- b) The appellant shall be informed of the dismissal by written notice.
- c) When an appellant whose assistance has been continued unchanged as a consequence of a request for a hearing does not appear at a scheduled hearing, and fails to advise the Department or Public Aid Committee of his or her inability to attend, the Department shall proceed with the planned change in assistance and/or food stamp benefits. This action will not be taken if the Department determines that there was good cause for the appellant's absence. (See subsection (e) below.)
 - d) Request to vacate a dismissal must be in writing and signed by the appellant or the appellant's authorized representative. Such requests must be filed with the Bureau of Assistance Hearings not more than 10 days after the date of the dismissal notice.
 - e) Dismissals shall be vacated only if good cause for non-appearance is

shown. Good cause is defined as:

- 1) death in the family;
- 2) personal injury or illness that reasonably prohibits the appellant from attending the hearing; or
- 3) sudden and unexpected emergency or other circumstances beyond the appellant's control that reasonably prevent the appellant from attending the hearing.

- f) Disposition by dismissal is a Final Administrative Decision.

Section 14.70 Final Administrative Decision

- a) Following the hearing, a Final Administrative Decision will be made by the Secretary that either upholds or does not uphold the appealed action or determines that the Department lacks jurisdiction. A copy of the decision shall be mailed to the appellant and any representative.

- b) If the appeal involves Public Assistance issues or both food stamp and Public Assistance issues, the Department shall issue and implement a Final Administrative Decision within 90 days after receipt of a notice of appeal and request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.

- c) If the appeal involves food stamps but not Public Assistance, the Department shall issue and implement a Final Administrative Decision within 60 days after receipt of a notice of appeal and request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.

- d) When the appealed action is not upheld, the Department shall take appropriate action, in accordance with the decision, including authorization of retroactive assistance benefits, if necessary. In food stamp cases, if the decision results in an increase in household benefits, the increase shall be reflected in the food stamp benefit amount within 10 days after receipt by the local office of the hearing decision. If the decision results in a decrease of food stamp benefits, the decrease shall be reflected in the next scheduled issuance following receipt of the hearing decision.

- e) A Final Administrative Decision, released by the Department or a Public Aid Committee, is reviewable only through the Circuit Courts of the State of Illinois.

- f) After a Final Administrative Decision is released, no petition for rehearing or reconsideration is allowed. Neither the filing of any such motion, or correspondence in the nature of such a motion, nor any response by the Department to such correspondence or motion will delay the time for filing of a complaint in the Circuit Court.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

Section 14.80 Public Aid Committee

In each county a Public Aid Committee to consider appeals shall have the following composition:

- a) In counties under township organization (except Cook County), the Committee shall consist of the Chairman of the County Board and 4 County Board members.
- b) In Cook County, the Public Aid Committee shall consist of 5 Supervisors of General Assistance appointed by the President of the Cook County Board of Commissioners from townships outside the City of Chicago.
- c) In Commission form counties, the Public Aid Committee shall consist of the County Board of Commissioners.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS**Section 14.100 Responsible Relative and Joint Payee Petitions**

Sections 14.101 and 14.102 apply to all petitions of responsible relatives for release from or modification of Administrative Support Orders, or to contest determinations of the amount of past-due support or of the share of jointly-owned funds (see 305 ILCS 5/10-13).

Section 14.101 Petition for Hearing

- a) Any responsible relative aggrieved by an administrative support order entered, determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- b) The petition under subsection (a) above shall be filed within 30 days after the date of mailing of such order or determination. The day immediately following the mailing of the order or determination shall be considered as the first day and the day the petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.

Section 14.102 Conduct of Administrative Support Hearings

- a) Hearing De Novo
The hearing shall be de novo and the Department's determination of liability or non-liability pursuant to the hearing shall be independent of the prior determination of liability.
- b) Rules Governing Hearing
Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by Sections 14.10 through 14.70, except that "appellant" as used within those Sections shall refer to the responsible relative who petitions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS**Section 14.300 Suspected Intentional Violation of the Program**

If the documentation supports the claim of intentional violation of the program, the Department shall send the individual a notice of suspected intentional violation of the program and of the opportunity to waive the administrative disqualification hearing. Examples of this documentation include statements made by a household member on his application, statements made by a household member and recorded in his case record by the caseworker, and statements made by an employer indicating employment of a household member that conflicts with information on the household member's application. Based upon an evaluation of the facts, the Department may refer cases of suspected intentional violation for criminal prosecution. Factors considered by the Department in its evaluation include, but are not limited to, the dollar amount at issue, evidence of willful intent to defraud, and the weight of the evidence.

Section 14.310 Advance Notice of Administrative Disqualification Hearing

The Department shall provide written notice to a household member suspected of intentional violation of the food stamp program at least 30 days in advance of the date an administrative disqualification hearing has been scheduled. The notice shall contain:

- a) The date, time and place of hearing.
 - b) The charge against the household member.
 - c) A summary of the evidence and how and where it can be examined.
 - d) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear.
 - e) A statement that the household member or representative will have 10 days after the date of the hearing to present good cause for failure to appear in order to receive a new hearing. (See Section 14.60(e) for definition of good cause.)
 - f) A warning that a determination of intentional violation of the program will result in a 12 month disqualification for the first violation, 24 month disqualification for the second violation, and a permanent disqualification for the third violation, and a statement of which penalty the Department believes is applicable to the case scheduled for hearing.
 - g) A listing of the household member's rights.
 - h) A statement that the hearing does not preclude a prosecution for civil or criminal fraud.
 - i) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice.
- The household member is also sent a waiver of right to an administrative disqualification hearing pursuant to 7 CFR 273.16(f). If the household member wishes to waive the right to a hearing, that individual must sign the waiver.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

and return it to the Department within 20 days after the date of notification.

Section 14.320 Postponement of Hearing

The household member is entitled to one postponement of up to 30 days. If the hearing is postponed, the 90 day time limit for issuing a decision shall be extended for as many days as the hearing is postponed.

Section 14.330 Administrative Disqualification Hearing Procedures

- a) The Department shall conduct a hearing, issue a decision, and notify the household member and local office of the decision within 90 days after the date the household member is notified in writing of the scheduling of an administrative disqualification hearing.
- b) The hearing shall be conducted by an impartial hearing officer.
- c) The household has the same rights during an administrative disqualification hearing that it has during a fair hearing. (See Section 14.22.) In addition to the fair hearing rights, the household member shall be informed of the individual's right to remain silent concerning the charge, and that anything said or signed by the individual concerning the charge can be used against him or her in a court of law.
- d) The hearing procedures shall be published and made available to any interested party.

Section 14.340 Failure to Appear

If the household member or representative cannot be located or fails to appear at the scheduled hearing without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing officer is required to consider the evidence and determine if an intentional violation of the program was committed based on clear and convincing evidence. If a determination of intentional violation of the program is made, the household member has 10 days after the date of the scheduled hearing to present reasons showing good cause for failure to appear. (See Section 14.60(e) for definition of good cause.) The Bureau of Assistance Hearings shall determine if the household member had good cause for not appearing and make a determination as to whether a new hearing should be scheduled.

Section 14.350 Participation While Awaiting a Hearing

A pending administrative disqualification hearing shall not affect the individual's or the household's right to be certified and participate in the program. Eligibility and level of benefits are determined in the usual manner while the administrative disqualification hearing is pending. The household member suspected of intentional violation of the program is eligible until a hearing officer issues a decision that the individual committed an intentional

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

violation of the program.

Section 14.360 Consolidation of Administrative Disqualification Hearing with Fair Hearing

A fair hearing and an administrative disqualification hearing may be combined into a single hearing if the factual issues arise out of the same or related circumstances and the household received prior notice that the hearings will be combined. If a single hearing is held, the time line standards for administrative disqualification hearings, as set out in this Subpart, shall be followed.

Section 14.370 Administrative Disqualification Hearing Decision and Notice of Decision

- a) The hearing officer shall base the decision on whether there is clear and convincing evidence that the household member intentionally violated the program.
- b) If the hearing officer finds that the household member intentionally violated the program, that member shall be sent a notice that shall include the decision and the reason for the decision.
- c) The Department shall notify the household of the date the disqualification takes effect and the status of remaining eligible household members.
- d) If the hearing officer finds that the household member did not intentionally violate the program, the household member shall be sent a notice informing that member that any over-issuance received by that household will be collected through an unintentional household error claim by the Department.

Section 14.380 Appeal Procedure

The hearing officer's decision is the Final Administrative Decision. No further administrative appeal procedure exists after a finding of intentional violation of the program by an administrative disqualification hearing or after a household member signs a waiver of right to an administrative disqualification hearing. A fair hearing decision cannot reverse a disqualification decision under Subpart C. However, a household member is entitled to seek relief from a disqualification decision in a court having appropriate jurisdiction.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers: Adopted Action:
104.206 Amendment
104.273 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 3, 2000 (24 Ill. Reg. 16209)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: In Section 104.206(a)(3), "(31 USC 3729)" has been added after "False Claims Act".
No other substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
These amendments to the Department's medical vendor hearing rules relate to instances when the recovery of money is warranted, such as reimbursement overpayments.
Currently, Section 104.206 allows the Department to recover overpayments from future payments prior to the end of a formal hearing. Any money so

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

recovered will be repaid to the vendor if the alleged overpayment is not proven at hearing and the recovery was not warranted. However, since the total billings and overpayments, or alleged overpayments, of inpatient and residential providers tend to reflect substantial sums of money, the Department is providing a new recovery procedure for these providers.

Under these amendments, separate recovery provisions are being established for inpatient and residential facilities, such as hospitals and nursing homes, as compared to other provider types. The amendments prohibit involuntary withholding by the Department on inpatient and residential facilities during the pendency of a hearing unless it is determined that the opportunity for recovery will be jeopardized if the recovery does not occur prior to the completion of the hearing. Provisions for Department recovery under these limited circumstances are described in the amendments. Section 104.206 is also being revised to not preclude any provider of inpatient or residential services from voluntarily allowing the Department to recover money concerning an overpayment, prior to the completion of a hearing.

Changes are also being made to Section 104.273, Continuation of Payments During Pendency of Proceedings, to assure coordination in the Department's rules pertaining to the recovery of money. These companion amendments in Section 104.206 clarify that institutional vendors are not subject to the same policies on recovery of money as non-institutional vendors.

Since Department recovery of reimbursement overpayments will continue under these amendments, no budgetary increases or decreases are expected.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89. SOCIAL SERVICES
CHAPTER I. DEPARTMENT OF PUBLIC AID
SUBCHAPTER a. GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
104.110	Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section

104.200	Applicability
104.202	Definitions

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

104.204	Notice of Denial of An Application
104.206	Notice of Intent to Recover Money
104.207	Notice of Contested Paternity Hearing
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
104.210	Right to Hearing
104.211	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212	Prior Factual Determinations
104.213	Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearings
104.221	Issues at Hearings
104.225	Legal Counsel
104.226	Appearance of Attorney or Other Representative
104.230	Notice, Service and Proof of Service
104.231	Form of Papers
104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	Authority
104.300	Definitions
104.302	Department Actions Against Nursing Homes Facilities
104.304	Certification
104.310	Joint Administrative Hearing
104.320	Facilities Certified Under Both Medicare and Medicaid
104.330	
SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section	Incorporation by Reference
104.800	

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 57067; amended at 8 Ill. Reg. 8274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 655, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2419, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective _____.

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.206 Notice of Intent to Recover Money

- a) Institutional Vendors
- 1) For purposes of this Section, institutional vendors means providers enrolled in the Medical Assistance Program to provide inpatient or residential services, such as hospitals and long term care facilities.
 - 2) The ~~if~~ the Department shall notify the institutional vendor in writing of an intent ~~intends~~ to recover money ~~it shall notify the vendor in writing~~, setting forth:
 - A) a statement of the Department's action,
 - B) a statement of the time, place and nature of the hearing,
 - C) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - E) a reference to the Sections of the statutes and rules involved.
 - 3) For institutional vendors, the Department will not recover money prior to the issuance of a final administrative decision, unless the Department determines that the recovery of money would be in jeopardy if the recovery does not occur prior to the completion of the hearing due to events such as, but not limited to, pending

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

decertification of the provider or the filing of a False Claims Act (31 USC 3729) action against the provider. In such circumstances, the Department may recover the money prior to the completion of the hearing, and the notice shall set forth:

- A) the date after which the Department will start to recover money by deducting from Department obligations to the vendor;
 - B) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested;
 - C) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted; and
 - D) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.
- 4) Nothing in this subsection (a), except as provided in subsection (a)(2), shall preclude a vendor who is enrolled to provide inpatient or residential services from voluntarily having the Department recover money by deducting from Department obligations to the vendor all or part of the claimed overpayment prior to the completion of any hearing.
- f) a statement that the vendor has the opportunity to respond prior to the recovery and a statement of how and to whom such a response should be made; and
- g) the date after which the Department will start to recover money by deducting from Department obligations to the vendor and a statement that the Department will recover the money in this manner prior to the completion of any hearing requested and that any money so recovered will be repaid to the vendor if it is not determined at hearing that the recovery was warranted;
- b) Non-Institutional Vendors
- 1) For purposes of this Section, non-institutional vendors means providers enrolled in the Medical Assistance Program that do not provide inpatient or residential services.
 - 2) The Department shall notify the non-institutional vendor in writing of an intent to recover money setting forth:
 - A) the requirements described in subsections (a)(2)(A) through (E) of this Section;
 - B) the date after which the Department will start to recover money by deducting from Department obligations to the vendor;
 - C) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested;
 - D) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

was not warranted, and

- E) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.

(Source: Amended at 25 Ill. Reg. 5951-2 effective 1-1-11)

Section 104.273 Continuation of Payments During Pendency of Proceedings

The Department will continue to make payments during the pendency of an administrative proceeding when federal or State law or regulation does not require such payments to be withheld, and in the following circumstances:

- a) If the vendor is a nursing home (not an ICF/MR facility), the Department will continue to make payments up to the termination date established by the Department for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- b) If the vendor is an ICF/MR facility, the Department will continue to make payments for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- c) If the vendor is a hospital and the Department's notice:
 - 1) is a result of Medicare action, the Department will continue to make payments for services rendered, to persons who are eligible for and receiving Medical Assistance on the date of service of the Department's notice, up to the date the vendor's participation is terminated; or
 - 2) is for Medicaid only action, the Department may withhold payments pursuant to Section 104.272; or
- d) If the administrative proceeding only relates to recovery of money (and not termination), the Department will continue to process invoices for services rendered by the vendor. For vendors other than institutional vendors, the payments shall be subject to setoff for recovery of the amount sought in the proceeding; or
- e) If the administrative proceeding only relates to suspension and not termination of eligibility, the Department will continue to make payments for services rendered by the vendor.

(Source: Amended at 25 Ill. Reg. 5951-2, effective 1-1-11)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action: 148.296 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: April 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 29, 2000 (24 Ill. Reg. 18984)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version:

Subsection (a)(1)(C) has been changed to read, "Claims for services billed for exceptional care services as described at Section 148.50(c)(2)(A) and (B).".

In subsection (a)(3)(A)(i), (ii) and (iii), "all cost-reporting" has been changed to "all Illinois cost-reporting".

In subsection (b)(1), "all" has been changed to "both".

In subsection (b)(3), "the product of" has been added before the colon.

Subsection (c)(2)(B)(iii) has been changed to read, "for a patient transferred to another facility as described at 89 Ill. Adm. Code 149.25(b)(2).".

Subsection (d)(2)(C) has been revised to read, "For hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b).".

Subsection (d)(3)(B) has been relabeled as follows:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- B) For hospitals with:
 - i) more than 5,000 Qualified Days, \$670; or
 - ii) 5,000 or fewer Qualified Days, \$300.

In subsection (e)(1), "shall qualify for this payment" has been added after "Resident".

In subsection (e)(2), "For the purposes of this subsection (e), 'Qualifying Residents' means" has been added after "Qualifying Residents.". "The number" has been changed to "the number".

Subsection (e)(3)(A) has been revised to read, "For hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b) and reimbursed under a per diem rate methodology; and".

The latter part of subsection (f)(2) has been revised to read, "excluding claims for hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b).".

No other substantive changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148-70	Amendment	February 9, 2001 (25 Ill. Reg. 2260)
148-82	Amendment	March 23, 2001 (25 Ill. Reg. 4124)

- 15) Summary and Purpose of Amendment: This amendment adds Tertiary Care Adjustment Payments to the Department's reimbursement provisions for hospital services. These payments will be made to eligible hospitals enrolled in the Medical Assistance program, but excluding county-owned hospitals and hospitals organized under the University of Illinois Hospital Act.

Tertiary Care Adjustment Payments will be made for higher level, complex medical care. The payments will be composed of six separate adjustments, including Case Mix Index Adjustments, Diagnosis Related Grouping (DRG) Adjustments, Children's Hospital Adjustments, Primary Care Adjustments, Long Term Hospital Adjustments and Rehabilitation Hospital Adjustments. These adjustments and their associated reimbursement

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	Definitions and Applicability
148.25	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Services Not Covered as Hospital Services
148.60	Limitation On Hospital Services
148.70	Organ Transplant Services Covered Under Medicaid (Repealed)
148.80	Organ Transplant Services
148.82	Heart Transplants (Repealed)
148.90	Liver Transplants (Repealed)
148.100	Bone Marrow Transplants (Repealed)
148.110	Disproportionate Share Hospital (DSH) Adjustments
148.120	Outlier Adjustments for Exceptionally Costly Stays
148.130	Hospital Outpatient and Clinic Services
148.140	Public Law 103-66 Requirements
148.150	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.160	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.170	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.175	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.180	Copayments
148.190	Alternate Reimbursement Systems
148.200	Filing Cost Reports
148.210	Pre September 1, 1991, Admissions
148.220	Admissions Occurring on or after September 1, 1991
148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.240	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.250	Calculation and Definitions of Inpatient Per Diem Rates
148.260	Determination of Alternate Cost Per Diem Rates for All Hospitals;
148.270	Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

methodologies are described in the amendment.

The amendment also strikes the text in Section 148.296 that relates to Supplemental Critical Hospital Adjustment Payments (SCHAP) because the sunset date for these time-limited adjustment payments was September 30, 1999 (see stricken Section 148.296(f)).

Tertiary Care Adjustment Payments are expected to provide greater access to essential and complex health care services for Medical Assistance clients. Appropriations for these payments allow for an expenditure in fiscal year 2001 of \$17.5 million. It is anticipated that the annual expenditure for each year thereafter will be approximately \$70 million.

16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217/524-0081

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

148.290 Adjustments and Reductions to Total Payments
 148.295 Critical Hospital Adjustment Payment (CHAP)
 148.296 Tertiary Care Supplemental--Critical--Hospital Adjustment Payments (SCHAP)
 148.297 Pediatric Outpatient Adjustment Payments
 148.298 Pediatric Inpatient Adjustment Payments
 148.300 Payment
 148.310 Review Procedure
 148.320 Alternatives
 148.330 Exemptions
 148.340 Substance Alcoholism and Substance Abuse Treatment Services Definitions (Repealed)
 148.350 Types of Substance Alcoholism and Substance Abuse Treatment Services (Repealed)
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Substance Alcoholism and Substance Abuse Treatment Services
 148.380 Rate Appeals for Substance Alcoholism and Substance Abuse Treatment Services (Repealed)
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 Code 140.110 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

111. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 9281, effective May 31, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1409, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective

Section 148.296 Tertiary Care Supplemental--Critical--Hospital Adjustment Payments (SCHAP)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Tertiary Care Adjustment Payments shall be made to all eligible hospitals, excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after April 1, 2001, in accordance with this Section.

a) Definitions. The definitions of terms used with reference to calculation of payments under this Section are as follows:

i) "Base Period Claims" means Claims for inpatient hospital services with dates of service occurring in the Tertiary Adjustment Base Period that were subsequently adjudicated by the Department through December 31, 1999. For a general care hospital that includes a facility devoted exclusively to caring for children and that was separately licensed as a hospital by a municipality and before September 30, 1998, Base Period Claims for services that may, in 89 Ill. Adm. Code 149-50(c)(3), be billed by a children's hospital shall be attributed exclusively to the children's facility. Base Period Claims shall exclude the following types:

A) Claims for which Medicare was liable in part or in full ("cross-over" claims);

B) Claims for transplantation services that were paid by the Department via form C-13, Invoice Voucher; and

C) Claims for services billed for exceptional care services as described in Section 148.50(c)(2)(A) and (B).

2) "Case Mix Index" (CMI), for a given hospital, means the sum of all Diagnosis Related Grouping (DRG) (see 89 Ill. Adm. Code 149) weighting factors for Base Period Claims divided by the total number of claims included in the sum, but excluding claims:

A) Reimbursed under a per diem rate methodology; and

B) For Delivery or Newborn Care.

3) "Case Mix Adjustment Factor" (CMAF) means the following:

A) For qualifying hospitals located in Illinois that, for Base Period Claims, had a CMI that is greater than the mean:

i) CMI of all Illinois cost-reporting hospitals, but less than that mean plus a one standard deviation above the mean; the CMAF shall be equal to 0.040;

ii) CMI plus one standard deviation above the mean of all Illinois cost-reporting hospitals, but less than that mean plus two standard deviations above the mean; the CMAF shall be equal to 0.250;

iii) CMI plus two standard deviations above the mean of all Illinois cost-reporting hospitals, the CMAF shall be equal to 0.300.

B) For qualifying hospitals located outside of Illinois that, for Base Period Claims, had a CMI that is greater than the mean:

i) CMI of all out-of-state cost-reporting hospitals, but less than that mean plus a one standard deviation above the mean; the CMAF shall be equal to 0.020;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

ii) CMI plus one standard deviation above the mean of all out-of-state cost-reporting hospitals, but less than that mean plus two standard deviations above the mean; the CMAF shall be equal to 0.125;

iii) CMI plus two standard deviations above the mean of all out-of-state cost-reporting hospitals, the CMAF shall be equal to 0.150;

4) "Delivery or Newborn Care" means inpatient hospital care, the claim for which was assigned by the Department to DRGs 370 through 375, 385 through 387, 389, 391 and 985 through 989.

5) "Tertiary Adjustment Base Period" means calendar year 1998.

6) "Tertiary Care Adjustment Rate Period" means, for fiscal year 2001, the three-month period beginning April 1, 2001, and for each subsequent fiscal year, the twelve-month period beginning July 1.

b) Case Mix Adjustment

The Department shall make a Case Mix Adjustment to certain hospitals, as defined in this subsection (b).

1) Qualifying Hospital. A hospital meeting both of the following criteria shall qualify for this payment:

A) A hospital that had 100 or more Qualified Admissions; and

B) For a hospital located:

- i) in Illinois, has a CMI greater than or equal to the mean CMI for Illinois hospitals; or
- ii) outside of Illinois, has a CMI greater than or equal to the mean CMI for out-of-state cost-reporting hospitals.

2) Qualified Admission. For the purposes of this subsection (b), "Qualified Admission" shall mean a Base Period Claim excluding a claim:

A) Reimbursed under a per diem rate methodology; and

B) For Delivery or Newborn Care.

3) Case Mix Adjustment. Each Qualifying Hospital will receive a payment equal to the product of:

A) The product of the hospital's:

- i) number of Qualified Admissions; and

- ii) CMAF; and

B) The sum of the hospital's:

- i) rate for capital related costs in effect on July 1, 2000; and

- ii) the product of the hospital's CMI raised to the second power and the DRG PPS (Prospective Payment System) (see 89 Ill. Adm. Code 149) rate per discharge in effect on July 1, 2000.

c) DRG Adjustment

The Department shall make a DRG Adjustment to certain hospitals, as defined in this subsection (c).

1) Qualifying Hospital. A hospital that, during the Tertiary

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Adjustment Base Period, had at least one Qualified Admission that qualify for this payment.

- 2) Qualified Admission. For the purposes of this subsection (c), "Qualified Admission" means a Base Period Claim that was:

- A) Assigned by the Department to a DRG that:
 - i) had been assigned a weighting factor greater than 3.2000; and
 - ii) for which fewer than 200 Base Period Claims were adjudicated by the Department; and
- B) Not a claim:
 - i) reimbursed under a per diem rate methodology;
 - ii) for Delivery or Newborn Care; or
 - iii) for a patient transferred to another facility as described at 89 Ill. Adm. Code 149.25(b)(2).

- 3) DRG Adjustment Rates. For each Qualified Admission, a Qualifying Hospital will receive a payment equal to the product of:

- A) The hospital's DRG PBS rate per discharge in effect on July 1, 2000; and
- B) The weighting factor assigned to the DRG to which the Qualified Admission was assigned by the Department; and
- C) The constant 1.400.

- d) Children's Hospital Adjustment
The Department shall make a Children's Hospital Adjustment to certain hospitals, as defined in this subsection (d).

- 1) Qualifying Hospitals. A children's hospital, as defined at 89 Ill. Adm. Code 149.50(c)(3), shall qualify for this payment.

- 2) "Qualified Day." For the purposes of this subsection (d), "Qualified Day" means a day of care that was provided in a Base Period Claim, excluding a claim:

- A) For Delivery or Newborn Care;
- B) Assigned by the Department to a DRG with an assigned weighting factor that is less than 1.0000; or
- C) For hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b).

- 3) Children's Hospital Adjustment. A Qualifying Hospital shall receive a payment equal to the product of:

- A) The sum of Qualified Days from the hospital's Base Period Claims; and
- B) For hospitals with:
 - i) more than 5,000 Qualified Days, \$670; or
 - ii) 5,000 or fewer Qualified Days, \$300.

- e) Primary Care Adjustment

The Department shall make a Primary Care Adjustment to certain hospitals, as defined in this subsection (e).

- 1) Qualifying Hospital. A hospital located in Illinois that has at least one Qualifying Resident shall qualify for this payment.

- 2) Qualifying Residents. For purposes of this subsection (e),

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

"Qualifying Residents" means the number of primary care residents, as reported on form HCFA 2552-96, Worksheet E-3, Part IV, line 1, column 1, for hospital fiscal years ending September 30, 1997, through September 29, 1998.

- 3) Qualified Admission. For the purposes of this subsection (e), "Qualified Admission" shall mean a Base Period Claim excluding a claim:

- A) For hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b) and reimbursed under a per diem rate methodology; and
- B) For Delivery or Newborn Care.

- 4) Primary Care Adjustment. A Qualifying Hospital will receive a payment equal to the product of:

- A) The number of Qualifying Admissions during the Tertiary Adjustment Base Period;
- B) \$4,675; and
- C) The quotient of:
 - i) the number of Qualifying Residents,
 - ii) divided by the number of Qualifying Admissions.

- f) Long Term Stay Hospital Adjustment

The Department shall make a Long Term Stay Hospital Adjustment to certain hospitals, as defined in this subsection (f).

- 1) Qualifying Hospital. A long term stay hospital, as defined at 89 Ill. Adm. Code 149.50(c)(4), that had a CMI that was greater than or equal to the mean CMI for all long term stay hospitals, shall qualify for this payment.

- 2) Qualified Days. For the purposes of this subsection (f), "Qualified Day" means a day of care that was provided in a Base Period Claim, excluding claims for hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b).

- 3) Long Term Stay Hospital Adjustment Rates. A Qualifying Hospital will receive payments equal to the product of:

- A) The number of Qualified Days from all Base Period Claims; and
- B) A constant that:
 - i) For a hospital that had a CMI that was greater than or equal to the mean CMI for all long term stay hospitals plus one standard deviation above the mean, \$300; or
 - ii) for a hospital that had a CMI that was greater than or equal to the mean CMI for all long term stay hospitals, but less than one standard deviation above that mean, \$5.

- g) Rehabilitation Hospital Adjustment

The Department shall make a Rehabilitation Hospital Adjustment to certain hospitals as defined in this subsection (g).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Qualifying Hospital. A hospital that qualifies for the Rehabilitation Hospital Adjustment under the Critical Hospital Adjustment Payments (CHAP) program, as defined in Section 148.2295(b), shall qualify for this payment.
 - 2) "Qualified Admission." shall mean a Medicaid level I rehabilitation admission in the CHAP rate period, as defined in Section 148.2295, for fiscal year 2001.
 - 3) Rehabilitation Hospital Adjustment. A Qualifying Hospital shall receive payment as follows:
 - A) For a hospital that had fewer than 60 Qualified Admissions, \$100,000.
 - B) For a hospital that had 60 or more Qualified Admissions, \$350,000.
 - h) Tertiary Care Adjustment
 - 1) The total annual adjustment to an eligible hospital shall be the sum of the adjustments for which the hospital qualifies under subsections (a) through (g) of this Section.
 - 2) A total annual adjustment amount shall be paid to the hospital during the Tertiary Care Adjustment Rate Period in installments on, at least, a quarterly basis.
 - 3) For fiscal year 2001 only, one-fourth of the total annual adjustment amount determined under this Section shall be paid during the fiscal year 2001 Tertiary Care Adjustment Rate Period.
- Supplemental-Critical-Hospital-Adjustment-Payments-(SCHAP)-shall-be-made-to-all eligible-hospitals-excluding-county-owned-hospitals-as-described-in-Section 148.25(b)(1)(A)--hospitals-organized-under-the-University-of-Illinois-Hospital Act-as-described-in-Section-148.25(b)(1)(B)-hospitals-described-in-89--111r Adm--Code--149.58(c)(1)(2)-or-(c)(14)-and-hospitals-described-in-Section 148.126(a)(5) not-meeting-the-criteria-in-subsection-(a)(3)-or--(a)(8)-below for-inpatient-admissions-occurring-on-or-after-July-1,1998--in accordance-with this-Section:
- a) To-qualify-for-payments-under-this-Section-a-hospital-must-be-located in-Health--Service--Area--(HSA)--6--or--HSA-11-and-satisfy-one-of-the following-criteria-during-the-Supplemental-CHAP-base-period:
 - 1) A-hospital-as:
 - A) Medicaid-obstetrical-care-admissions--are--greater--than--or--equal--to--the--mean--number--of--Medicaid-obstetrical-care admissions-for-all-hospitals-located-within-the--same-health facilities-planning-area;
 - B) Total-critical-weighting-factor-is-greater-than-or-equal--to the--mean--total-critical-weighting-factors-of-all-hospitals located-within-the-same-HSA; and
 - C) Medicaid-impacts-utilization-Rate-(MUR) is--greater--than or--equal--to--the--mean-MUR-of-all-hospitals-located-within the-same-HSA;
 - 2) A-hospital-has:
 - A) 5980-or-more-total-Medicaid-admissions;

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- B) an-occupancy-percentage-rate-greater-than-the-mean-occupancy percentage-rate-as-defined-by-the-Department-of-Public Health-of-all-hospitals-within-the-same-HSA; and
 - C) an-MUR-greater-than-or-equal-to-50 percent;
- 3) A-hospital-is--a--children's-hospital--as--defined-in-Section 148.126(a)(5)--and-has-an-MUR-greater--than--or--equal--to--80 percent;
 - 4) A-hospital-is-located-in-a-health-facilities-planning-area-where all-hospitals-also-are-located-in-a-health-professional-shortage area--(HSA)--as--designated-in-the-Federal-Register-for-the Supplemental-CHAP-base-period-and-has-the-greatest-number-of Medicaid-obstetrical--care-admissions-among-all-hospitals-within that-same-health-facilities-planning-area;
 - 5) A-hospital-provides-at-least-980-Medicaid-obstetrical--admissions and--possesses--an--MUR--that--is--greater--than--or--equal--to--78 percent;
 - 6) A-hospital-has-an-MUR-that-is-greater-than--or--equal--to--75 percent;
 - 7) A-hospital-with-a-level-II-perinatal-center-with-an-average length-of-stay-that-is-less-than-4.6-days-and-a-cost-to-day-ratio of-5650-or-less-as-described-in-Section-149.29(c)(2)(A)(viii);
 - 8) A-children's-hospital-as-described-at-89--111r-Adm--Code 149.58(c)(3)-with-4500-or-more-total-Medicaid-admissions-during the-Supplemental-CHAP-base-period;
- b) The-Department-will-make-payments-during-the-CHAP-rate-period-to qualifying-SCHAP-hospitals-under-the-following methodology:
- 1) For-hospitals-qualifying-under-subsection-(a)(1) above-there-are located-in-HSA--6--the-payment-shall-equal-the-product-of-the total-Medicaid-admissions-multiplied-by:
 - A) 5630-for-hospitals-that:
 - 1) have-an-MUR-that-is-greater-than--or--equal--to--one standard--deviation--above--the--mean-MUR--of--all hospitals-within-HSA-6; and
 - 2) have-a-total-critical-weighting-factor-that-is-greater than-or-equal-to-one-standard-deviation--above--the-mean of--the--total--critical--weighting--factor--for--all hospitals-within-HSA-6;
 - B) 5615-for-hospitals-that:
 - 1) have-an-MUR-that-is-greater-than-or-equal-to-one-half standard--deviation--but--less--than--one--standard deviation--above--the-mean-MUR-of-all-hospitals-within HSA-6; and
 - 2) have-a-total-critical-weighting-factor-that-is-greater than-or-equal-to-one-half-standard-deviation-but-less than-one-standard-deviation--above--the-mean-total critical--weighting-factor-of-all-hospitals-within-HSA 6;
 - C) 5610-for-hospitals-that:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) have an MIUR that is greater than or equal to 1.0 but less than one-half standard deviation above the mean MIUR of all hospitals within HSA 6; and
- 2) have a total critical weighting factor that is greater than or equal to 1.0 but less than one-half standard deviation above the mean total critical weighting factor of all hospitals within HSA 6;
- 3) For hospitals qualifying under subsection (a)(1) above that are located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by:
- A) \$935 for hospitals that:
- 1) have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 11; and
- 2) have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 11;
- B) \$775 for hospitals that:
- 1) have an MIUR that is greater than or equal to one-half standard deviation above the mean MIUR of all hospitals within HSA 11; and
- 2) have a total critical weighting factor that is greater than or equal to one-half standard deviation above the mean of the total critical weighting factor of all hospitals within HSA 11;
- C) \$780 for hospitals that:
- 1) have an MIUR that is greater than or equal to 1.0 but less than one-half standard deviation above the mean MIUR of all hospitals within HSA 11; and
- 2) have a total critical weighting factor that is greater than or equal to 1.0 but less than one-half standard deviation above the mean of the total critical weighting factor of all hospitals within HSA 11;
- 4) For hospitals qualifying under subsection (a)(2) above, the payment shall equal the product of the total Medicaid admissions multiplied by \$975;
- 5) For hospitals qualifying under subsection (a)(3) above, the payment shall equal the product of the total Medicaid days multiplied by \$925;
- 6) For hospitals qualifying under subsection (a)(4) above, the payment shall equal the product of the total Medicaid days multiplied by \$99.50;
- 7) For hospitals qualifying under subsection (a)(5) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$975;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 7) For hospitals qualifying under subsection (a)(5) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$935;
- 8) For hospitals qualifying under subsection (a)(6) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$420;
- 9) For hospitals qualifying under subsection (a)(6) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$480;
- C) A hospital may only receive payments under one of the payment methodologies described in subsection (b) above in the event that a hospital qualifies under more than one criterion under subsection (a) of this Section; the Department will reimburse the hospital using the payment methodology that allows the largest payment;
- D) For any hospital that meets any of the payment criteria under subsection (b) above, the Department will increase the SCHAP payment 1% during the Supplemental CHAP base period if a hospital meets either or both of the conditions under subsection (d)(1) or (d)(2) below:
- 1) A hospital has:
- A) Medicaid obstetrical care admissions greater than or equal to the mean number of Medicaid obstetrical care admissions of all hospitals located in the qualifying hospital's HSA;
- B) a total critical weighting factor that is greater than or equal to the mean total critical weighting factor of all hospitals located in the qualifying hospital's HSA; and
- C) an MIUR greater than or equal to the mean MIUR of all hospitals located in the qualifying hospital's HSA;
- 2) A hospital has an MIUR greater than or equal to 70 percent;
- E) Additional SCHAP payments shall be paid under the following methodologies:
- 1) For hospitals qualifying under subsection (d)(1) above and located in HSA 6, the payment shall equal the product of \$49 multiplied by the hospital's total SCHAP admissions;
- 2) For hospitals qualifying under subsection (d)(1) above and located in HSA 11, the payment shall equal the product of \$495 multiplied by the hospital's total SCHAP admissions;
- 3) For hospitals qualifying under subsection (d)(2) above and located in HSA 6, the payment shall equal the product of \$995 multiplied by the hospital's total SCHAP admissions;
- 4) For hospitals qualifying under subsection (d)(2) above and located in HSA 11, the payment shall equal the product of \$938 multiplied by the hospital's total SCHAP admissions;
- 5) For hospitals qualifying under subsection (a)(7) above, an additional payment shall be made that equals the product of \$159 multiplied by the number of BHA days in the Supplemental CHAP base period;
- 6) For hospitals qualifying under subsection (a)(8) above, an additional payment shall be made that equals the product of \$435

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

multiplied--by--the--total--Medicaid--admissions--in--the--Supplemental
CHAP--base--period:

f) Payments--in--this--Section--148-296--shall--end--on--September--30--1999:

g) SCHAP--payments--under--this--Section--shall--be--paid--on--a--quarterly--basis--
h) Definitions:

i) "Supplemental--CHAP--base--period"--means--services--provided--during
State--Fiscal--Year--1995--and--adjudicated--by--the--Department--by--June
30--1996:

j) "CHAP--rate--period"--as--used--in--this--Section--has--the--same--meaning
as--defined--in--Section--148-295(f)(2):

k) "Medicaid--inpatient--utilization--Rate--(MIRUR)"--as--used--in--this
Section--has--the--same--meaning--as--defined--in--Section
148-320(k)(5)--in--effect--for--the--rate--period--October--1--1996--
through--September--30--1997:

l) "Medicaid--obstetrical--care--admissions"--as--used--in--this--Section--
has--the--same--meaning--as--defined--in--Section--148-295(j)(9) For--the
Supplemental--CHAP--base--period:

m) "Medicaid--psychiatric--admissions"--as--used--in--subsection--(h)(10)
below--means--hospital--inpatient--admissions--for--the--Supplemental
CHAP--base--that--are--billed--to--the--Department--with--a--category--of
service--21:

n) "Medicaid--rehabilitation--admissions"--as--used--in--subsection
(h)(10)--below--means--hospital--inpatient--admissions--for--the
Supplemental--CHAP--base--that--are--billed--to--the--Department--with--a
category--of--service--20:

o) "Total--critical--weighting--factor"--as--used--in--this--Section--has
the--same--meaning--as--"sum--of--the--critical--weighting--factors"--as
defined--in--Section--148-295(c)(2)(A)--for--the--Supplemental--CHAP
base--period:

p) "Total--Medicaid--admissions"--means--hospital--inpatient--admissions
for--the--Supplemental--CHAP--base--period--for--recipients--of--medical
assistance--under--Title--XIX--of--the--Social--Security--Act--excluding
admissions--for--normal--newborns--and--Medicaid--crossover
admissions:

q) "Total--Medicaid--days"--means--hospital--days--for--the--Supplemental
CHAP--base--period--for--recipients--of--medical--assistance--under--Title
XIX--of--the--Social--Security--Act--excluding--days--for--normal
newborns--and--Medicaid--crossover--days:

r) "Total--SCHAP--admissions--means--total--Medicaid--admissions--that
include--Medicaid--psychiatric--admissions--and--Medicaid
rehabilitation--admissions--for--the--Supplemental--CHAP--base--period
multiplied--by--a--factor--of--two:

(Source: Amended at 25 Ill. Reg. 5359 , effective
1/1/2000)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: Adopted Action:
100.5130 Amendment

4) Statutory Authority: 35 ILCS 5/502(f)

5) Effective Date of Amendments: April 02, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 1, 2000, 24 Ill. Reg. 17496

10) Has JCAR issued a Statement of Objection to these Amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
100.2590	Amendment	02/09/01, 25 Ill. Reg. 2294
100.3120	Amendment	02/09/01, 25 Ill. Reg. 2294
100.7010	Amendment	02/09/01, 25 Ill. Reg. 2294
100.9720	New Section	03/02/01, 25 Ill. Reg. 3211
100.3380	Amendment	02/23/01, 25 Ill. Reg. 2973

15) Summary and Purpose of Amendments: Public Act 91-913 allows corporations conducting an insurance business under a Lloyd's plan of operations to join in a composite return. Prior to this legislation, corporations could not under any circumstances join in the filing of composite returns. However, the Internal Revenue Service permits Lloyds plans to file a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

single return and pay tax on behalf of individual and corporate underwriters, and the underwriters exclude the items reported on those returns from their own federal income tax returns. Public Act 91-913 permits Illinois income tax filing and payment by Lloyds plans to follow the federal income tax filing and payment, which is in the best interests of both the taxpayers and the State because doing so makes computation and payment of the proper amount of Illinois income tax as simple as possible for the taxpayers. This rulemaking was drafted in cooperation with representatives of Lloyds plan underwriters doing business in Illinois. It implements the legislation by allowing the Illinois return procedure to follow the federal income tax return principles as closely as possible.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Paul Caselton
Deputy Chief Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section	
100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks, and Net Loss Carryovers for Losses Occurring on or After December 31, 1986

100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2500 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPOINTMENT OF
BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)

100.3010 Business and Nonbusiness Income (IITA Section 301)

100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)

100.3110 State (IITA Section 302)

100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)

100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General

100.3320 Business Income of Persons Other than Residents (IITA Section 304) - Apportionment

100.3330 Business Income of Persons Other than Residents (IITA Section 304) - Allocation

100.3340 Business Income of Persons Other than Residents (IITA Section 304)

100.3350 Property Factor (IITA Section 304)

100.3360 Payroll Factor (IITA Section 304)

100.3370 Sales Factor (IITA Section 304)

100.3380 Special Rules (IITA Section 304)

100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Time for Filing Returns: Individuals (IITA Section 505)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.7080 Correction of Under withholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Under withholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents
TABLE A Example of Unitary Business Apportionment
TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 15, 2001; amended at 25

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 8374 effective _____.

SUBPART O: COMPOSITE RETURNS

Section 100.5130 Composite Returns: Required forms and computation of Income

a) Composite Returns of Partners and Shareholders

1) Required form and information. Composite returns of shareholders and partners shall be filed using forms prescribed by the Department. The following information shall be attached to such composite returns: the name, address, social security number and amount of income apportionable and allocable to Illinois for each individual included in the composite return; and the computation of the proper amount of composite income reportable to Illinois.

2) Composite income. The amount of composite income apportionable and allocable to Illinois shall be the sum of the income earned or received for the taxable year from the authorized agent by the persons included in the composite return.

A) The composite income of a partnership shall be computed by first computing the partnership's base income, and then including in composite income the entire partnership share of such base income of each resident partner joining in the composite return and the partnership share of the portion of such base income allocable to Illinois per Form IL-1065 of each nonresident partner joining in the composite return. However, the base income of the partnership for this purpose shall be computed without regard to:

- i) the addition modification under Section 203(d)(2)(C) of the IITA for guaranteed payments to partners other than those partners included in the composite return;
- ii) the subtraction modification under Section 203(d)(2)(H) for personal service income or for a reasonable allowance for compensation paid or accrued to partners; or
- iii) the subtraction (or addition) modification under Section 203(d)(2)(I) of the IITA for the share of income (or loss) distributable to a partner subject to Personal Property Tax Replacement Income Tax.

The authorized agent shall pay income tax on the composite income that is attributable to the partners included in the composite return and Personal Property Tax Replacement Income tax on the portion of the composite income which is attributable to trusts included in the composite return.

B) The composite income of a Subchapter S corporation shall be computed by first computing the Subchapter S corporation's base income, and then including in composite income the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

entire share of such base income distributable to each resident shareholder joining in the composite return and the share of the portion of such base income allocable to Illinois per Form IL-1120-SM distributable to each nonresident shareholder. (Line 1 of Part II of the Subchapter S corporation's IL-1120-ST) However, the base income of the Subchapter S corporation for this purpose shall be computed without regard to:

- i) the subtraction modification under Section 203(b)(2)(G) of the IITA for amounts included in federal taxable income under Section 78 of the Internal Revenue Code;
- ii) the subtraction modification under Section 203(b)(2)(W) of the IITA for interest income from loans secured by property eligible for the Enterprise Zone Investment Credit;
- iii) the subtraction modification under Section 203(b)(2)(W-1) of the IITA for interest income from loans secured by property eligible for the High Impact Business Investment Credit;
- iv) the subtraction modification under Section 203(b)(2)(N) of the IITA for contributions to eligible Enterprise zone projects;
- v) the subtraction modification under Section 203(b)(2)(O) of the IITA for dividends received from foreign corporations;
- vi) the subtraction modification under Section 203(b)(2)(P) of the IITA for contributions to job training projects; or
- vii) the subtraction modification under Section 203(b)(2)(S) for the share of income (or loss) distributable to a shareholder subject to Personal Property Tax Replacement Income Tax.

The authorized agent will pay income tax on the amount of such composite income distributable to shareholders included in the composite return and pay Personal Property Tax in the composite return and Replacement Income Tax on the amount distributable to trusts included in the composite return.

b) Composite returns of individuals, corporations and other taxpayers transacting an insurance business under a Lloyd's policy plan of operation. For taxable years ending on and after December 31, 1999, IITA Section 502(f) permits any persons transacting an insurance business organized under a Lloyd's policy plan of operation to file composite returns reflecting the income of such persons allocable to Illinois and the tax rates applicable to such persons under IITA Section 201 and to make composite tax payments.

1) Such composite returns shall be made on Form IL-1023-C Form ~~15-1040~~.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 2) Such composite returns shall include an attachment showing the separate federal taxable income (adjusted gross income, in the case of an individual), net amount of addition and subtraction modifications, apportionment fraction and Illinois net income of each underwriter subject to tax under IITA Section 20(a) and electing to join in the composite return, and multiplying each such amount of Illinois net income by the appropriate tax rate under IITA Section 20(b), and shall write the total of such tax liabilities on the Form IL-1023-C line for income taxes. In addition, the attachment shall show the separate federal taxable income, net amount of addition and subtraction modifications, apportionment fraction and Illinois net income of each underwriter subject to replacement tax under IITA Section 20(c) and electing to join in the composite return, and shall multiply each such amount by the appropriate tax rate under IITA Section 20(d), and shall write the total of such tax liabilities on the Form IL-1023-C line for replacement taxes. At the election of the underwriter joining in a composite return, the composite return may include either or both of the Lloyd's plan amounts included in federal taxable income or adjusted gross income by the underwriter and any amounts reported (with payment made of any federal income tax due on such amounts) on behalf of the underwriter by the Lloyd's plan of operation pursuant to a closing agreement with the Secretary of the Treasury under IRC Section 7121. If the Illinois net income of an underwriter included in the composite return is less than zero, such loss may not be used to offset the Illinois net income of any other underwriter included in the composite return or any Illinois net income derived by such underwriter from any source other than the Lloyd's plan of operation. However, in the case of an underwriter other than an individual, such loss may be carried back or forward in the manner allowed under IITA Section 207 as a deduction against the Illinois net income of such underwriter in other years for which a composite return is filed and for which the underwriter's Lloyd's plan has entered into a closing agreement under IRC Section 7121 allowing net operating losses to be carried over on behalf of its underwriters on returns filed by that Lloyd's plan. The schedules showing computations of Illinois net income required by this subsection (b) shall include a separate statement of any Illinois net loss deduction claimed for an underwriter, showing the amount of loss incurred in each year from which the deduction is carried and the amounts of such losses carried to and deducted in years prior to the year for which the schedules are filed. The composite return shall include an attachment showing the name and social security number or taxpayer identification number (or equivalent) of each underwriter who does not elect to join in the composite return, and computing the proper amount of composite income apportionable and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- allocable to Illinois as reported on the convention form annual statement filed with the Illinois Department of Insurance, which amount so computed will be multiplied by the Illinois tax rate for individuals (currently 3-1/2%), and the amount so obtained will be entered on the IL-1040, the composite income shall be computed without regard to any net operating loss deductions.
- 3) Alternative apportionment methods under IITA Section 304(f). IITA Section 304(f) provides that, if the allocation and apportionment provisions of IITA Section 304(b) do not fairly represent the extent of a person's business activity in this State, the Director may require the person to use another method that will effectuate an equitable allocation and apportionment of the person's business income.
- a) IITA Section 304(b) provides that an insurance company shall apportion its business income to Illinois by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere. For purposes of this subsection (b), the term "direct premiums written" means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof. A Lloyd's plan syndicate reports only its premiums written on property and risks within Illinois on its annual statement filed with the Illinois Director of Insurance. Accordingly, the use of only the "direct premiums written" by underwriters in a Lloyd's plan of operation as actually reported on the annual statements would apportion 100% of the business income of the nonresident underwriters to Illinois, which would not fairly represent the extent of their business activity in Illinois within the meaning of IITA Section 304(f). A Lloyd's plan of operation which files a composite return under this subsection (b) and which does not report on an annual statement its premiums written on property or risks outside the State shall apportion the business income of its nonresident underwriters electing to join in the composite return by multiplying such business income by a fraction, the numerator of which shall be the underwriter's premiums written on property or risks within Illinois as reported on its annual statement and the denominator of which shall be the total of the underwriter's premiums related to amounts included in the apportionable business income of the underwriter.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- B) A Lloyd's plan of operations will commonly use a "year of account" as a basis for the conduct of business of its underwriters. Under the year of account method, a syndicate of underwriters will be in existence for a specified number of years. The syndicate will underwrite policies only in the first year of its existence, which is the year of account. Premiums may be collected and losses incurred by the syndicate only during the years of the syndicate's existence. After the syndicate's existence is terminated at the end of the year of account period, any unexpired policies are reinsured with another syndicate, and profit and loss on all policies for the year of account are determined and recognized for federal income tax purposes. Use of the premiums written in the year after the close of the year of account period to apportion an underwriter's business income earned over that period would not fairly represent the extent of the underwriter's business activity in Illinois that generated that business income. Accordingly, in apportioning the business income recognized after the termination of a year of account period, the direct premiums written on property or risk in this State and on property and risk everywhere shall be the direct premiums written during the year of account period. A composite return that includes for an underwriter both income recognized after the termination of a year of account period apportioned under this subsection (b)(3)(B) and other income apportioned using the direct premiums written during the taxable year shall show each type of income and each apportionment fraction separately on the schedules attached to the return under subsection (b)(2).
- 4) ILTA Section 502(f) provides that the income and apportionment factors attributable to the transaction of an insurance business organized under a Lloyd's plan of operation by any person joining in the filing of a composite return shall, for purposes of allocating and apportioning income under ILTA, Article 3 and computing net income under ILTA Section 202, be excluded from any other income and apportionment factors of that person or of any unitary business group, as defined in ILTA Section 1501(a)(27), to which that person may belong.
- A) Because the Lloyd's income and apportionment factors are excluded from the computation of the Illinois income tax liability of any person joining in a composite return under this subsection (b), no credit may be allowed to such person under Section 100.5160 of this Part. Because no underwriter shall be allowed to claim a credit for taxes paid on its behalf under this subsection (b), no administrative burden will be created by allowing an underwriter who is a resident or who has other sources of Illinois income to join in the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- filing of a composite return and accordingly no underwriter need petition for permission under Section 100.5100(c) or (c) of this Part to join in the filing of a composite return under this subsection (b).
- B) Because any Illinois income, positive or negative, of an underwriter that is reported on a composite return must be excluded from other income of that underwriter in determining its Illinois net income, an Illinois net loss reported on a composite return may not be used to reduce net income of an underwriter otherwise reportable in the taxable year the net loss is incurred nor carried over to another taxable year to reduce net income of that underwriter, other than net income reported on a Lloyd's plan composite return for that taxable year.
- C) The statutory provision excluding income reported on a composite return from other income of the underwriter does not imply that the Lloyd's plan business conducted by the underwriter is unitary with any other business conducted by the underwriter. If an underwriter chooses not to join in a composite return, the determination of whether the underwriter's Lloyd's plan business is unitary with any other business conducted by the underwriter and of whether the underwriter is a member of a unitary business group will be made based on the facts and circumstances of the case, without any consideration given to this statutory provision. In the case of a Lloyd's plan of operation that files a federal income tax return and pays federal income taxes on behalf of its underwriters for a taxable year pursuant to a closing agreement with the Secretary of the Treasury under IRC Section 7121, the due date for filing a composite return and paying tax under this subsection (b) shall be the due date (including any extensions) for filing the federal return for that taxable year.
- 6) The composite estimated tax vouchers (Forms IL-1023-CES 31-1049-B5) and the composite returns shall be clearly marked "Composite Payment by ~~Nonresident~~ **Individual** Underwriters at Lloyd's, London" or "Composite Return by ~~Nonresident~~ **Individual** Underwriters at Lloyd's, London" in the top center of the voucher or return. The tax I.D. number on the voucher or return shall be left blank, and the payment or return shall be mailed to the address specified in the instructions for the Form IL-1023-C.
- Document-Perfection-Section
Illinois-Department-of-Revenue
Post-Office-Box-19014
Springfield-Illinois--62794-19014
- 7) Transition rule. Public Act 91-913, allowing Lloyd's plans of operation to file composite returns on behalf of all underwriters

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

for taxable years ending on or after December 31, 1999, was not enacted until July 9, 2000, after the unextended due date for the composite return for calendar year 1999. Accordingly, a filer's plan of operation that had filed a composite return for a taxable year ending on or after December 31, 1999, prior to the enactment of Public Act 91-913, may file a second composite return for that year, on or before the due date in subsection (b)(5), on behalf of any of its underwriters which were unable to join in the composite return prior to the enactment of Public Act 91-913.

c) Standard exemption. The amount of composite income apportionable and allocable to Illinois shall not be reduced by the standard exemption (see Section 204(a) of the IITA).

(Source: Amended at 25 Ill. Reg. 5374, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Informal Conference Board
- 2) Code Citation: 86 Ill. Adm. Code 215
- 3) Section Numbers:

215.100	Adopted Action:
215.105	New Section
215.110	New Section
215.115	New Section
215.120	New Section
215.125	New Section
215.130	New Section
- 4) Statutory Authority: 20 ILCS 2505/2505-510
- 5) Effective Date of Rule(s): April 2, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 29, 2000, 24 Ill. Reg. 19022
- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?
No
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking sets forth detailed standards and procedures for the operation of an Informal Conference Board (ICB) by the Illinois Department of Revenue. The Informal Conference Board is established pursuant to the authority of 20 ILCS 2505/2505-510. The ICB is established for the purpose of reviewing adjustments to tax returns recommended by Department examiners or auditors before the

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES

issuance of a Notice of Tax Liability, Notice of Deficiency or Notice of Claim Denial. The rulemaking explains the composition of the Board and explains that a taxpayer may represent him or herself or be represented by a person of his or her choice before the Board. The rulemaking details the procedure for requesting a review by the ICB, and sets forth the detailed standards utilized by the Board in evaluating taxpayer requests. The rulemaking authorizes in-person conferences before the Board or its designees and explains the standards to be used in settlement of proposed assessments

16) Information and questions regarding this adopted rules shall be directed to:

Keith Staats
General Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7296

The full text of the Adopted Rules begins on the next page:

ILLINOIS REGISTER 5392 01
DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES
TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 215
INFORMAL CONFERENCE BOARD

Section
215.100 Informal Conference Board
215.105 Composition of the Informal Conference Board
215.110 Representation of the Taxpayer Before the Informal Conference Board
215.115 Procedure for Requesting Review by the Informal Conference Board
215.120 Review of Requests by the Informal Conference Board
215.125 Disposition of Proposed Assessments
215.130 In-Person Conferences

AUTHORITY: Implementing Section 2505-510, and authorized by Section 2505-795, of the Civil Administrative Code of Illinois [20 ICS 2505/2505-510 and 2505-795].

SOURCE: Adopted at 25 Ill. Reg. 5390, effective 1/1/11.

Section 215.100 Informal Conference Board

The Director of Revenue shall establish an Informal Conference Board (ICB) for the purpose of reviewing adjustments to tax returns recommended by Department of Revenue examiners or auditors before the issuance of a Notice of Tax Liability, Notice of Deficiency or Notice of Claim Denial. The ICB shall have the authority to recommend an appropriate conclusion to a matter involving such proposed liabilities or claim denials. This informal review process affords taxpayers an opportunity to resolve disagreements with the Department after a liability has been proposed, but before commencement of the formal protest and administrative hearing process. It is the goal of the Informal Conference Board to resolve disputes with taxpayers concerning their tax liability at the earliest opportunity possible in the administrative process, and the ICB will liberally exercise its discretion in all areas provided for in this Part with this goal in mind.

Section 215.105 Composition of the Informal Conference Board

- a) The members of the ICB shall be:
- 1) the General Counsel for the Department,
 - 2) the Chairman of the Board of Appeals, and
 - 3) an employee of the Department, other than the ICB Administrator or a person under the direct supervision of the General Counsel or the Chairman of the Board of Appeals, to be designated by the Director of Revenue.
- b) The ICB member designated by the Director shall serve for an initial

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

term of one year upon appointment and thereafter shall serve at the pleasure of the Director. Each ICB member may delegate his or her function on the ICB to one or more qualified staff members who may represent the ICB at informal taxpayer conferences, but each ICB member shall remain personally responsible for approving final actions of the ICB.

- c) The ICB Administrator shall be an individual with extensive experience in audit or legal practice and procedures and shall be appointed by the Director of Revenue. The ICB Administrator shall be under the direct supervision of the Director of Revenue and shall serve at the pleasure of the Director. The ICB Administrator shall be responsible for the day-to-day operation of the ICB. The ICB Administrator shall supervise the staff of the ICB. The ICB Administrator shall ensure that the work of the ICB is completed in a timely manner.
- d) The ICB shall be a separate and distinct division of the Department of Revenue and shall not be a unit or division of the Audit Bureau, the Administrative Hearings Division, the Board of Appeals or the Legal Services Office of the Department. No member of the Administrative Hearings Division or Special Assistant Attorney General who acts as a litigator in the Administrative Hearings Division, with the exception of the General Counsel, may participate in the informal conference process.

Section 215.110 Representation of the Taxpayer Before the Informal Conference Board

A taxpayer may represent him or herself or be represented by any person of his choice during the informal conference process. A taxpayer's chosen representative before the ICB need not be an attorney. Any power of Attorney filed by a non-attorney shall be sufficient for participation in the informal review provided by this Part.

Section 215.115 Procedure for Requesting Review by the Informal Conference Board

- a) Letter of Proposed Liability. At the conclusion of an audit or examination of the taxpayer's books and records in all cases where the Department asserts a deficiency in the amount of tax due or proposes to deny all or some portion of a refund amount claimed, the Department shall issue a written notice to the taxpayer proposing the tax liability or proposed denial of the claim for refund. Such letter shall hereinafter be referred to as a "Notice of Proposed Liability" or "Notice of Proposed Claim Denial". The Department's proposed liability or claim denial notices shall state the specific grounds for his or her right to an informal review or in-person conference. The taxpayer shall have 60 days after the date the Notice of Proposed Liability or Notice of Proposed Claim Denial is issued to file a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

request with the Informal Conference Board for review of the proposed assessment. The 60-day period for filing a request commences with the mailing date of the Notice of Proposed Liability or Notice of Proposed Claim Denial. The date of mailing shall be the date that appears on the face of the notice or the postmark date, if later than the date shown on the notice.

- b) Requirements of a Request for Review. A request to the ICB will commence the informal review process that will examine the basis for the Notice of Proposed Deficiency or Notice of Proposed Claim Denial issued by the Department, along with a review of the taxpayer's request, all supporting documentation and any additional information that the taxpayer may wish to submit in support of his or her position. The request to the ICB for review of the proposed assessment or claim denial shall be in writing, or the Department may provide a specific form for filing the request, which shall include the following identifying information:
 - 1) The name of the taxpayer or taxpayers,
 - 2) The taxpayer's identifying numbers (Social Security number of individuals or IGT number, which is the Illinois Business Tax number issued by the Department for registration purposes, or federal identification number for entities, such as corporations, estates and trusts, or partnerships),
 - 3) The current address of the taxpayer or the taxpayer's representative to which correspondence concerning the request should be directed,
 - 4) The amount of the proposed assessment or claim denial that is the subject of the request,
 - 5) The years at issue to which the request is directed, and
 - 6) The identifying numbers that appear on the Notice of Proposed Deficiency, Notice of Proposed Tax Liability or Notice of Proposed Claim Denial.

The request must be dated and signed by the taxpayer or by an authorized representative of the taxpayer.

- c) In-Person Conference Request. An in-person conference with the ICB members or their representatives must be requested at the time that the request is filed with the ICB. See Section 215.130 for additional detail relating to in-person conferences.
- d) Grounds for Request. A request to the ICB may raise objections to the proposed assessment and the request may be supplemented at any time prior to final action by the ICB. The request shall state the taxpayer's specific reasons for the disagreement with the proposed assessment or denial of claim for refund and show why the calculation of the tax proposed to be assessed by the Department is incorrect. The request should reference any information relied upon by the taxpayer.
- e) Proposals for Disposition. A taxpayer may submit a formal request to settle the tax dispute with the Department as a part of the initial request to the ICB. Procedures for proposals are outlined in Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

215.125.

- f) Offers, in compromise. The ICB will not accept or negotiate offers in compromise. If a taxpayer is only seeking relief from the further obligation to pay an undisputed tax liability based on an inability to pay, the taxpayer should contact the Department's Board of Appeals after a final assessment of the tax.

Section 215.120 Review of Requests by the Informal Conference Board

- a) The informal conference process is the first step in resolving a tax dispute with the Department. It provides an opportunity for the ICB and the taxpayer to review and discuss the issues relating to the proposed assessment or claim denial. The informal conference process is not subject to the requirements of the Illinois Administrative Procedure Act [5 ILCS 100] and the final Action Decisions made by the ICB are not subject to administrative review.
- b) In order to make its determination with respect to a written request, the ICB may request additional relevant information regarding the grounds raised in the taxpayer's request for ICB review. Requests for information are limited to information or documents related to issues raised during the audit that are reflected in the reasons for, and/or the computations supporting, the notice of proposed assessment. A request for additional information may be made either in writing or during the course of an in-person conference, if requested by the taxpayer. The taxpayer, or the taxpayer's representative, has a duty to respond to any requests for additional information within 30 days from the date of the request, unless both the taxpayer or taxpayer's representative and the ICB representative agree to another time period. Failure to respond in a timely and complete manner may result in the request for relief being denied. A written statement by the taxpayer that information requested does not or did not exist, or cannot be assembled or collated in a reasonable amount of time, will be considered a complete response. However, a failure to provide the information requested because it cannot be assembled or collated in a reasonable amount of time may be the basis of an ICB decision to deny the relief requested by the taxpayer.
- c) Documentation or information submitted to the ICB in writing or as part of an informal conference does not become part of any formal record and cannot be forwarded to any other administrative or judicial body for purposes of that body making a determination on the merits of any case. Both the taxpayer and the Department must present all evidence directly to those adjudicative bodies in accordance with the rules of that body if they wish such evidence to be considered.
- d) Requests submitted to the ICB and all accompanying information provided thereafter are part of the pre-assessment administrative process of the Department, and all such information is covered by the confidentiality provisions of the various tax laws.
- e) The ICB is charged with the responsibility of making a determination

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

of whether the amount of the proposed assessment is accurate. After a complete review of the request, accompanying information and any evidence and arguments submitted on behalf of the taxpayer at an in-person conference, if requested, the ICB shall issue an Action Decision. The Action Decision shall be issued within 90 days after receipt of the taxpayer's request and requires the approval of no less than 2 of the 3 members of the ICB. The Action Decision is binding on the Department and must be implemented by those areas of the Department to which it is directed. The taxpayer and its representative will be provided with a written notice of the Action Decision. The 90-day period may be extended by mutual agreement of both parties, in writing, prior to the expiration of the original 90-day period.

Section 215.125 Disposition of Proposed Assessments

- a) Offers of disposition of a proposed assessment or claim denial may be proposed to the ICB or by the ICB. The ICB shall consider disposing of the matter at controversy in all instances where, having made a reasonable evaluation of such matters, the ICB determines that it is not in the best interest of the Department to issue an assessment or claim denial with respect to the issue.
- b) Offers of disposition shall be tendered in writing to the ICB. Disposition offers may be submitted with the initial request to the ICB or at any point during ICB review prior to the issuance of an Action Decision. The offer shall include specific proposed net dollar amounts, identification of issues to be conceded, in whole or in part, by either party, and the supporting rationale for acceptance of the offer. The ICB may also consider a request for penalty waiver as part of the offer. Any offer received may be accepted, rejected or countered by the ICB and the taxpayer shall be notified in writing of the ICB's decision with regard to the offer.
- c) Statements made by a taxpayer in the written offer of disposition will be considered to be made in the course of good faith negotiations and will not be admissible against the taxpayer in any further proceedings with regard to the matter in controversy.
- d) When a tentative agreement has been reached between a taxpayer and the ICB staff, a written agreement setting forth the terms of the proposed disposition shall be prepared. As with all other Action Decisions issued by the ICB after informal review or in-person conference, the agreement becomes effective upon approval of no less than 2 of the 3 members of the ICB.

Section 215.130 In-Person Conferences

- a) Taxpayers may request an in-person conference in their request to the ICB. The ICB may also request an in-person conference. There is no requirement that an in-person conference be held, except as requested

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- by the taxpayer. However, failure of a taxpayer to agree to a requested in-person conference may result in denial of the relief sought because of a lack of sufficient information by the ICB.
- b) The purpose of the in-person conference is to allow the ICB members or representatives and the taxpayer or taxpayer's representative, to explore the issues raised by the proposed assessment, develop the factual basis of the request, and to consider information relevant to the determination of the request.
- c) The ICB shall mail a written notice of the time, date and location of the in-person conference to the taxpayer or taxpayer's representative, at the address provided on the request to the ICB. The address provided in the original request shall be presumed to be the correct address unless the taxpayer or taxpayer's representative notifies the ICB of a change of address in writing.
- d) An in-person conference will be scheduled within 45 days after receipt of the request from the taxpayer whenever possible, and shall be established by mutual agreement of the taxpayer, the taxpayer's representative and the ICB members or staff representatives conducting the conference. Each ICB member or his or her representative shall participate in the in-person conference.
- e) A taxpayer or a taxpayer's representative who does not appear at the scheduled conference shall be deemed to have waived his or her right to an in-person conference unless the taxpayer or taxpayer's representative can show good cause for failing to attend. Good cause shall include, but not be limited to, illness of the taxpayer or his or her representative, and weather conditions or other acts of God that preclude attendance by any party to the conference.
- f) Formal rules of evidence do not apply at an in-person conference.
- g) Upon conclusion of the in-person conference before the 3-member ICB or representatives of the board members, the ICB will issue a final Action Decision to the taxpayer and/or the taxpayer's representative and to the Audit Bureau, where the terms of the final Action Decision shall be implemented.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.110 Amendment
130.535 Amendment
130.2125 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) Effective Date of Amendments: April 2, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 22, 2000, 25 Ill. Reg. 18505 and January 5, 2001, 25 Ill. Reg. 44
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|-----------------------------|
| 130.330 | Amendment | 05/26/00, 24 Ill. Reg. 7617 |
| 130.2105 | Amendment | 01/12/01, 25 Ill. Reg. 386 |
| 130.120 | Amendment | 01/26/01, 25 Ill. Reg. 1169 |
| 130.2011 | Amendment | 01/26/01, 25 Ill. Reg. 1169 |
| 130.2012 | Amendment | 01/26/01, 25 Ill. Reg. 1169 |
| 130.1501 | Amendment | 02/09/01, 25 Ill. Reg. 2325 |
| 130.2004 | New Section | 02/16/01, 25 Ill. Reg. 2676 |
- 15) Summary and Purpose of Amendments: The amendments to Section 130.110

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

clarify that when a person purchases an item of tangible personal property with the intent of reselling the item to a purchaser for use or consumption, that person engages in conduct equivalent to holding himself out as a retailer and the subsequent sale is a taxable sale.

The amendments to Sections 130.535 and 130.2125 add new thresholds requiring quarter-monthly payments. These requirements are per Public Act 91-541 and became effective October 1, 2000. This rulemaking also adds examples illustrating taxability and nontaxability with regard to trading stamps and discount coupons.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Karl Betz
Gina Roccaforte
Associate Counsels
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215

130.220
130.225

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
Sales to Lessors of Tangible Personal Property
Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.331
130.332
130.335
130.340
130.345
130.350

130.351

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Manufacturer's Purchase Credit
Automatic Vending Machines that Dispense Hot Food or Beverages
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section
130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410 Cost of Doing Business Not Deductible
130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 State and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties
130.445 Federal Taxes
130.450 Installation, Alteration and Special Service Charges
130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART B: RETURNS

Section
130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration

130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725 Display
130.730 Replacement of Certificate
130.735 Certificate Not Transferable
130.740 Certificate Required For Mobile Vending Units
130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
130.801 General Requirements
130.805 What Records Constitute Minimum Requirement
130.810 Records Required to Support Deductions
130.815 Preservation and Retention of Records
130.820 Preservation of Books During Pendency of Assessment Proceedings
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
130.1201 General Information
130.1205 Due date that Falls on Saturday, Sunday or a Holiday

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Leased Department
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale (Repealed)
130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number--When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
130.1501 Claims for Credit--Limitations--Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns are Not Required After Discontinuation of a Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915 Auctioneers and Agents
130.1920 Barbers and Beauty Shop Operators
130.1925 Blacksmiths
130.1930 Chiropractors, Osteopaths and Chiropractors
130.1935 Computer Software
130.1940 Construction Contractors and Real Estate Developers
130.1945 Co-operative Associations
130.1950 Dentists
130.1951 Enterprise Zones
130.1952 Sales of Building Materials to a High Impact Business
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts
130.1965 Florists and Nurserymen
130.1970 Hatcheries
130.1971 Sellers of Pets and the Like
130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists and Opticians
130.1985 Pawnbrokers
130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006 Sales by Teacher-Sponsored Student Organizations
130.2007 Exemption Identification Numbers
130.2008 Sales by Nonprofit Service Enterprises
130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020 Physicians and Surgeons
130.2025 Picture-Frames
130.2030 Public Amusement Places
130.2035 Registered Pharmacists and Druggists
130.2040 Retailers of Clothing
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Shows, Flea Markets and the Like
Sales and Gifts By Employers to Employees
Sales by Governmental Bodies
Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
Sales of Automobiles for Use in Demonstration (Repealed)
Sales of Containers, Wrapping and Related Products
Sales To Construction Contractors, Real Estate Developers and Speculative Builders
Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
Sales to or by Banks, Savings and Loan Associations and Credit Unions
Sales to Railroad Companies
Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
Sellers of Feeds and Breeding Livestock
Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
Sellers of Seeds and Fertilizer
Sellers of Machinery, Tools and Special Order Items
Suppliers of Persons Engaged in Service Occupations and Professions
Trading Stamps and Discount Coupons
Undertakers and Funeral Directors
Vending Machines
Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
Vendors of Meals
Vendors of Memorial Stones and Monuments
Vendors of Signs
Vendors of Steam
Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
Veterinarians
Warehouses
Examples of Tax Exemption Cards

ILLUSTRATION A:

Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 816, effective January 2, 1981; amended at 5 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

2014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 18274, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 13463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 13757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13464, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9226, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 15, 2001; amended at 25 Ill. Reg. 5398, effective _____.

SUBPART B: RETURNS

Section 130-535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

- a) Except as noted hereinafter, at the same time that a tax return required by the provisions of the Act is filed with the Department, the taxpayer shall pay the tax that is due with such return to the Department.
- b) Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the Act, was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1988 and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such payments shall be credited against the final tax liability of the taxpayer's return for that month. Prior to January 1, 1999, if any such payment is not paid at the time or in the amount required in this subsection, then the taxpayer's 2%, 2.5% or 1.75% vendors' discount shall be reduced by 2%, 2.5% or 1.75% of the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, and the taxpayer shall be liable for penalties and interest on such difference except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. Beginning on and after

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

January 1, 1999, if any such payment is not paid at the time or in the amount required in this subsection, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under the Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the Act, was \$20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. (Section 3 of the Act)

- c) Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of \$25,000 per month during the preceding 4 complete calendar quarters, shall file a return with the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is \$25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due. (Section 3 of the Act)

- d) If any such payment or deposit provided for herein exceeds the taxpayer's present and probable future liabilities under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum, which may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Department or be assigned by the taxpayer to a similar taxpayer under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be limited to the Department under the Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

e) For the purposes of this Section, the phrase "preceding 4 complete calendar quarters" means the preceding 4 complete calendar quarters for which returns would have been filed or should have been filed for the last month of the 4 quarter period since, until then, the making of the required computations for the 4 quarter period would be impossible. For example, the preceding 4 complete calendar quarters with reference to a November 1, 1976, date would actually have ended June 30, 1976, since most returns for the last month of that 4 quarter period would not have to have been filed until July 31, 1976, and the preceding 4 complete calendar quarters with reference to a July 1, 1977, date would actually end March 31, 1977, since most returns for the last month of that 4 quarter period would not have to be filed until April 30, 1977. The calendar quarters are January through March, April through June, July through September and October through December.

f) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department (see 86 Ill. Adm. Code 750 "Payment of Taxes by Electronic Funds Transfer") by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of \$100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of \$50,000 or more shall make all payments required by rules of the Department by electronic funds transfer.

g) Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer (see 86 Ill. Adm. Code 750). The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act, and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. (Section 3 of the Act)

(Source: Amended at 25 Ill. Reg. 5398, effective 11/1/93)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART 5: SPECIFIC APPLICATIONS

Section 130.2125 Trading Stamps and Discount Coupons

a) Trading Stamps

Persons who engage in the business of transferring tangible personal property upon the redemption of trading stamps shall be deemed to be engaged in the business of selling such tangible personal property at retail and shall be liable for and shall pay the tax imposed by the Retailers' Occupation Tax Act on the basis of the retail value of the property transferred upon redemption of such stamps. When merchandise is paid for partly in cash and partly by surrendering a trading stamp valued at a specific amount, the total amount (including the value of surrendered trading stamp) is subject to Retailers' Occupation Tax.

b) Discount Coupons

1) Where the retailer receives no coupon reimbursement: If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon for which the retailer receives no reimbursement from any source, the amount of such discount is not subject to Retailers' Occupation Tax liability. Only the receipts actually received by the retailer from the purchaser, other than the value of the coupon, are subject to the tax. For example, if a retailer sells an item for \$10 and the purchaser provides the retailer with a \$1 in-store coupon for which the retailer receives no reimbursement from the manufacturer of the item or any other source, the retailer's gross receipts of \$9 are subject to Retailer's Occupation Tax.

2) Where the retailer receives full or partial coupon reimbursement: A) If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon for which the retailer will receive full or partial reimbursement from a manufacturer, distributor or other source, the retailer incurs Retailers' Occupation Tax liability on the receipts received from the purchaser and the amount of any coupon reimbursement. For example, if a retailer sells an item for \$15 and the purchaser provides the retailer with a \$5 manufacturer's coupon for which the retailer receives full reimbursement from the manufacturer of the item, the retailer's gross receipts of \$15 are subject to Retailers' Occupation Tax. Technically, the coupon issuer (the manufacturer in this example) owes the corresponding Use Tax on the value of the coupon. However, in many cases, the coupon issuer incorporates language into the coupon that requires the bearer (the purchaser in this example) to assume this Use Tax liability.

B) However, payments received by the retailer (from a manufacturer, distributor or other source) for handling charges or administrative expenses in processing coupons are

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

not subject to the tax if those payments are clearly distinguished from coupon value reimbursement. In addition, if the retailer receives a discount from a manufacturer, distributor or other source when purchasing tangible personal property for resale, and, pursuant to a contract with that manufacturer, distributor or other source, the retailer issues discount coupons applicable to the sale of such property, such coupons shall not be deemed to be reimbursed by the manufacturer, distributor or other source.

c) Gift Situations

Where a retailer, manufacturer, distributor, or other person, issues a coupon which entitles the bearer to obtain an item of tangible personal property free of any charge whatever and not conditioned on the purchase of other property, the furnishing of such tangible personal property does not constitute a sale under the Retailers' Occupation Tax Act and the retailer does not incur Retailers' Occupation Tax liability with respect to such transfer. However, the retailer, manufacturer or distributor, or other person, issuing such a coupon, as donor, incurs Use Tax liability on his cost price of all tangible personal property actually transferred as a result of such coupon. (See Subpart C of the Use Tax Regulations.)

If a bearer (customer) presents a retailer with a coupon issued by the retailer that entitles the bearer to a free item and such coupon is not conditioned on a purchase, the retailer incurs Use Tax based upon its cost price of the item given away. However, if a bearer (customer) presents a retailer with a coupon issued by the manufacturer that entitles the bearer to a free item and such coupon is not conditioned on a purchase by the customer, the manufacturer incurs Use Tax based upon its cost price of the item given away. However, in many cases, the manufacturer incorporates language into the coupon that requires the bearer (customer) to assume this Use Tax liability.

(Source: Amended at 25 Ill. Reg. 5990, effective 1/1/94.)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois State Library, Library Services Division

2) Code Citation: 23 Ill. Adm. Code 3010

Section Numbers:	Proposed Actions:
3010.10	Amend
3010.20	Amend
3010.40	Amend
3010.50	Amend
3010.60	New
3010.110	Amend
3010.130	Amend
3010.140	Amend
3010.150	Amend
3010.160	Amend
3010.170	Amend
3010.180	Repeal
3010.210	Amend
3010.310	Amend
3010.320	New
EXHIBIT A	New
EXHIBIT B	New
EXHIBIT C	New

4) Statutory Authority: Implementing and authorized by The State Library Act [15 ILCS 320].

5) Effective Date of Amendments: April 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking include incorporations by reference? The Illinois Library Information Network's (ILLINET) Interlibrary Loan Code and the National Interlibrary Loan Code are cited in Sections 3010.310.

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was published in the Illinois Register: December 22, 2000, 24 Ill. Reg. 18519

10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No

11) Difference Between Proposal and Final Version: In order to clarify the overdue billing process, the following text was added to Section

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3010
ILLINOIS STATE LIBRARY, LIBRARY INFORMATION SERVICES DIVISION

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section	Definitions
3010.10	Service Populations
3010.20	Hours of Service
3010.30	Library Stack Area
3010.40	Use by the General Public
3010.50	Copies
3010.60	

SUBPART B: COLLECTION ACCESS CONTROL SECTION (CIRCULATION)

Section	Circulation of Materials
3010.110	Materials for Loan
3010.120	Loan Periods
3010.130	Holds, Recalls, Reserves and Renewals
3010.140	Return of Materials
3010.150	Replacement of Lost and/or Damaged Materials
3010.160	Theft of Materials
3010.170	Photocopies (Repealed)
3010.180	

SUBPART C: PUBLIC SERVICES REFERENCE SECTION

Section	Reference Service
3010.210	

SUBPART D: RESOURCE SHARING BIBLIOGRAPHICAL-SUPPORT SECTION
(INTERLIBRARY LOAN)

Section	Interlibrary Loan
3010.310	Resource Sharing Agreements
3010.320	

EXHIBIT A	Temporary Stack Pass Application
EXHIBIT B	Use of the Public Services Areas of the Illinois State Library
EXHIBIT C	General Policies and Guidelines Illinois State Library Card Application Form: Courtesy Card

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1030.150(c): The borrower will receive two reminder notices about the overdue material. If the material still has not been returned, a bill for the item will be sent, following the requirements in Section 3010.160 of this Part.

12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? Yes. The change explained in Question 11 has been made. The other changes in the rulemaking concerned style and punctuation.

13) Will the rulemaking replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: Revision of the rules to reflect needed updates regarding photocopying, circulation of materials, reserves of materials, reference services and interlibrary loan. The rules establish guidelines for patrons' access to the bookstacks; borrowing and lending policies for interlibrary loan materials; loan periods from overnight to four weeks; and the provision of photocopied materials in compliance with the U.S. Copyright law. This rulemaking also converts all statutory references from Ill. Rev. Stat. citations to ILCS citations.

16) Information and questions regarding these adopted amendments shall be directed to:

Joseph A. Natale, Rules Coordinator
Illinois State Library
300 S. Second, Springfield, IL 62701
(217-558-4185)
jnatale@ilsos.net

The full text of the adopted amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Amended July 18, 1973; rules repealed, new rules adopted and codified at 7 Ill. Reg. 13679, effective October 4, 1983; amended at 25 Ill. Reg. 5412, effective 1/1/84.

SUPPORT A: USE OF THE ILLINOIS STATE LIBRARY

Section 3010.10 Definitions

The following definitions in alphabetical order apply to this Part:

"Bibliographic Instruction" means the on-site education of patrons in the use of the State Library's collections, resources and equipment.

"Copies" means facsimile reproductions of information from any medium into the same or different medium.

"Employees-of-State-government" means all persons employed by the State of Illinois excluding faculty and staff of state colleges and universities.

"General public" means persons other than the employees of the State of Illinois.

"ILLINET" means the Illinois Library and Information Network.

"Interlibrary loan" means a cooperative arrangement among libraries by which one library may borrow and lend material through established library channels using standard procedures from another library.

"Interstates-Library-Delivery-Service" (ILDS) means the delivery service for the transportation of library material between the Library System's four Reference and Research Centers of the State and other academic libraries.

"Officials and employees of State government" means all persons employed by the State of Illinois or elected or appointed to State office.

"Patron" means any person using the services of a library.

"Ready-Reference Service" means the provision of information that is readily available, brief in nature and/or easily verified.

"Research Service" means the provision of information that requires research and time to collect, verify and/or find.

"Special-Library" means a library organized to make desired information available to a particular organization or limited group.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Amended at 25 Ill. Reg. 5412, effective 1/1/84.

Section 3010.20 Service Populations

a) The Illinois State Library serves:

- 1a) Officials Elected-officials and employees of Illinois State government as-a-special-library, and
- 2b) The general public, citizens-of-the-State-as-a-Reference-and-Research-Center (RRR) pursuant-to-the-provisions-of-Section-12 of the-illinois-Library-Systems-Act (41st Rev. Stat. 1983) ch. 87 par. 122;

b) The Illinois State Library works cooperatively with other libraries and library organizations.

(Source: Amended at 25 Ill. Reg. 5412, effective 1/1/84.)

Section 3010.40 Library Stack Area

The bookstack area of the State Library is closed except to the following persons:

- a) State library employees.
- b) Maintenance personnel.
- c) Patrons who have pre-registered in-writing-a-minimum-of-72-hours-in-advance with a Library Services manager the-Head-of-the-Collection Control-Section. The pre-registration shall be by means of a letter stating the patron's specific need for access to the stacks or by completing a form for temporary access. (See Exhibit A) Applications for privileges will be reviewed and authorized by a Library Services manager. In granting stack access privileges, the manager will consider whether the collection will meet the needs of the patron. Patrons must be in good standing with the State Library to receive Stack privileges which-must-include-the-need-for--entrance-to--the-bookstack-area--the-materials-to-be-used--and-the-reason-why-they-are-unable-to-access-the-material-via-the-call-slip-method. No briefcases or other closed containers are allowed in the bookstack area. No food or drink is permitted in the stack areas.
- d) All stack access privileges shall have appropriate expiration dates assigned. Such privileges may be revoked at any time for violation of the State Library's rules or operating procedures.

(Source: Amended at 25 Ill. Reg. 5412, effective 1/1/84.)

Section 3010.50 Use by the General Public

The general public is welcome to use the collections of the Illinois State

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Library on the premises during the State Library's regular hours of service, pursuant to the provisions of this part. Library users must observe the general policies and guidelines for use of the Public Service Areas of the Illinois State Library. (See Exhibit B.)

(Source: Amended at 25 Ill. Reg. 5412, effective 7/1/01.)

Section 3010.60 Copies

- a) The State Library shall provide copies in answer to reference requests and interlibrary loan within the guidelines of the U.S. Copyright law (17 USC 1 et seq.). The format and number of copies provided will depend upon the size and condition of the item to be copied.
- b) Regular borrowers, not engaged in work-related inquiries, and the general public shall be charged for copies at the following rates:

Black and white photocopies	\$.25 per square foot or fraction thereof
Color photocopies	\$1.00 per square foot or fraction thereof
Color scanning to user-provided disc	\$1.00 per square foot or fraction thereof

(Source: Added at 25 Ill. Reg. 5412, effective 7/1/01.)

SUBPART B: COLLECTION ACCESS CENTER/65 SECTION (CIRCULATION)

Section 3010.110 Circulation of Materials

- a) Direct borrowers

1) Regular borrower's card. Officials ~~When the materials are related to their state government work~~ officials and employees of State government may borrow directly from the State Library's circulating system library by means of a regular borrower's card. Eligible patrons must present their State identification badge/card in order to register for a regular borrower's card. When no identification is provided, State Library staff will verify the patron's State state employment by contacting either the patron's agency or the employer.

2) Courtesy (general public or retired officials and employees of State government) borrower's card. Members of the general public or retired officials and employees of State government are eligible to borrow materials directly from the State Library's circulating collection. Patrons must present a valid Illinois public library card, valid current Illinois non-resident library card, or proof of State of Illinois retirement status. Patrons

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

must then complete the form (see Exhibit C) provided by State Library staff.

- 3a) Special borrower's card. Any individual ~~or organization~~ needing to borrow materials directly from ~~use~~ the State Library's circulating collections for work related purposes may apply for ~~study or research will be issued~~ a special borrower's card. The Library Services manager or designee will base her/his decision to grant a card on whether the collection can reasonably meet the research needs of the applicant. ~~for a period of six months by the State librarian or his/her official designee.~~

- 4) Consortial agreements. The State Librarian or his/her designee may enter into mutually beneficial consortial agreements with other libraries for the purpose of resource sharing. Patrons of a consortial library are eligible to borrow materials directly from the State Library's circulating collection. Borrowers must present a currently valid institutional identification card bearing their name and identification number.

- b) Indirect borrowers

The State Library's circulating collection is ~~library materials are~~ available to State residents through the resource sharing provisions of ~~ILLINET as supplements to local library collections and Illinois library system collections when such materials are not available in those collections.~~ Such borrowing shall be conducted by means of established interlibrary loan procedures.

(Source: Amended at 25 Ill. Reg. 5412, effective 7/1/01.)

Section 3010.130 Loan Periods

Circulating materials are loaned for a period ranging from overnight to four weeks. Circulation periods for all materials are available upon request at the Illinois State Library Circulation desk.

- a) ~~Materials are loaned~~
- 1) to direct borrowers for a period of four weeks or
 - 2) to indirect borrowers via interlibrary loan for a period of six weeks;
- b) Exceptions to the above are:
- 1) Primatops and hominids are loaned for specific show dates with time allowed for delivery both ways;
 - 2) Framed art prints are loaned for use in the Springfield offices of State government officials and employees for a period of six months;
 - 3) Census microfilm is loaned via interlibrary loan for a period of four weeks;
 - 4) Special loans of reference materials not in use are made after 3:30 p.m. on any working day and are due prior to 8:30 a.m. the next working day.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 5412, effective _____)

Section 3010.140 Holds, Recalls Reserves and Renewals

- a) Holds may be placed Reserves are taken on all materials in circulation.
- b) Materials may be renewed for a period of four two weeks if the materials requested are not on hold reserve. Materials may be renewed a maximum of two times. Framed art prints may be renewed only once for a period of six months. Filmstrips, 16mm films, census macrofilm and reference materials may not be renewed.

(Source: Amended at 25 Ill. Reg. 5412, effective _____)

Section 3010.150 Return of Materials

- a) All borrowers are responsible for the return of materials borrowed from the State Library. Indirect borrowers must return materials either
- 1) by mail, paying the return postage and insuring the materials for their approximate value; or
- 2) by the interlibrary delivery service (IBDS) through the library system.
- b) Direct borrowers may return materials:
- 1) to the circulation desk of the State Library during the State Library's regular hours,
 - 2) to the outdoor bookdrop located inside the northwest entrance to the Generalist Building during the hours the library is closed,
 - 3) by the State state government messenger service, or
 - 4) by mail, paying the return postage and insuring the materials for their approximate value.
- c) Failure to return material on or before the due date will result in the initiation of the overdue/billing process. The borrower will be mailed 2 reminder notices about the overdue material. After the second notice, if the material is not returned, the borrower will be billed for the material, pursuant to Section 3010.160 of this Part.

(Source: Amended at 25 Ill. Reg. 5412, effective _____)

Section 3010.160 Replacement of Lost and/or Damaged Materials

- a) Direct and indirect borrowers who fail to return an item or damage an item beyond the point of usability will be billed for the current replacement cost of each item. The "replacement cost" is determined by the State Librarian or his/her designee and is equal to the cost to

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

replace the item exactly in all physical aspects such as (but not limited to) edition, condition, preservation processes, binding type, paper quality, format, and author inscription.

- b) The borrower will be billed a processing fee in addition to the replacement cost. The processing fee shall be determined by the State Librarian or his/her designee in accord with current statewide of national averages for library materials processing.
- c) Borrowers who are billed for a lost or damaged item may replace the item with a replica that is exact in every way within 30 days of the invoice date. The replacement must be exact in all qualities such as (but not limited to) edition, condition, preservation processes, binding type, paper quality, format, and author inscription. Replacements must be approved by the State Librarian or his/her designee. Extensions to the 30-day period for replacement may be granted by the State Librarian or his/her designee. Replacements that are not exact will be accepted pending approval by the State Librarian or his/her designee. The processing fee will be waived in the case of an accepted replacement. Replacements will be submitted by the borrower directly to the State Librarian or his/her designee. Direct borrowers who fail to pay for items they have lost or damaged shall have State Library privileges suspended until payment is made or replacement is received.
- d) Payment for materials lost or damaged as a result of interlibrary loans through ILLINET is governed by the ILLINET Interlibrary Loan Code. Copies of the Code are available from the Office of the Secretary of State, Illinois State Library, 4th floor, 300 S. Second Street, Springfield, IL 62701-1796. The material incorporated by reference includes no later amendments or editions.
- e) Payment for materials lost or damaged as a result of interlibrary loan to non-ILLINET libraries is governed by the most recent version of the National Interlibrary Loan Code.
- f) Direct borrowers are billed at the current retail replacement price with an additional charge of \$15.00 to reimburse the State Library for replacement services of processing for any materials which they fail to return or which they damage beyond the point of usability. After two overdue notices have been sent, direct borrowers are billed for lost or damaged materials. The billing is sent five weeks after the date due.
- g) Direct borrowers who fail to pay for or to replace items which they have lost or damaged or failed to return shall lose their borrowing rights until payment or replacement is made.
- h) Replacement of materials lost or damaged through ILLINET is governed by the ILLINET Policy on Replacement of Lost and Damaged Materials (Network Memorandum #77-1137 dated August 24, 1977).

(Source: Amended at 25 Ill. Reg. 5412, effective _____)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~supplemental-reference-service-to-all Illinois citizens-via-ibnlpp.~~

(Source: Amended at 25 Ill. Reg. 5412, effective 1/1/79)

SUBPART D: RESOURCE SHARING BIBLIOGRAPHICAL-SUPPORT SECTION
(INTERLIBRARY LOAN)

Section 3010.310 Interlibrary Loan

a) Borrowing

- 1) patrons holding a regular borrower's card are eligible for interlibrary loan service for work-related materials.
- 2) patrons are responsible for adhering to all conditions placed on the interlibrary loan by the lending library.
- 3) patrons are responsible for the safe return of interlibrary loan material to the State Library and are liable for fees associated with lost or damaged materials as determined by the lending library. Patrons who fail to pay for items they have lost or damaged shall have all State library privileges suspended until payment is made.

b) Lending

- 1) Material from the State Library's circulating collection may be requested by any public, special, academic or school library on behalf of the library's patrons. Individuals may receive these materials through a library from which they are eligible to borrow.
- 2) Loan of materials to ILLINET libraries are made in accordance with the provisions of the ILLINET Interlibrary Loan Code. Copies of the Code are available from the Office of the Secretary of State, Illinois State Library, 4th floor, 300 S. Second Street, Springfield, IL 62701-1796. The material incorporated by reference includes no later amendments or editions. Loans of materials to non-ILLINET libraries are made in accordance with the provisions of the most recent version of the National Interlibrary Loan Code (1994, American Library Association, 50 B. Huron St., Chicago, IL 60611).
- a) Patron's holding-regular-borrower's-cards-are-eligible-for-interlibrary-loan-service-for-materials-that-relate-to-their-government-work.
- b) State-library-materials-may-be-requested-on-interlibrary-loan-by Illinois-library-systems-on-behalf-of-the-State's-local-libraries. Residents-receive-these-materials-through-a-library-from-which-they-are-eligible-to-borrow-Patrons-living-in-areas-untaxed-by-the-State-are-eligible-to-borrow-registered-borrowers-of-a-library-in-accordance-with-the-State-library-system's requirements-in-order-to-have-access-to-the-State-library's-materials-on-interlibrary-loan.
- c) The-State-library-provides-interlibrary-loans-to-the-headquarters

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 3010.170 Theft of Materials

Theft of materials from the State Library's collections incurs liability under the provisions of Article 16B of the Criminal Code of 1961, such Article being entitled "Protection of Library Materials" [720 ILCS 5/Art. 16B] (41st--Rev. Stat--1981-chr-387-par-16B-1-et-seq)

(Source: Amended at 25 Ill. Reg. 5412, effective 1/1/79)

Section 3010.180 Photocopies (Repealed)

a) The-State-library-shall-provide-photocopies-in-answer-to-a-reference-or-research-request-within-the-guidelines-of-the-0-8-Copyright-law (17-94-553-17-0-8-0-1-et-seq)-up-to-a-maximum-of-50-pages;

b) Photocopy-machines

The-general-public-and-direct-borrowers-for-material-not-related-to-their-government-work-shall-be-charged-10¢-per-page-to-use-the-copy machine-located-in-the-State-library.

(Source: Repealed at 25 Ill. Reg. 5412, effective 1/1/79)

SUBPART C: PUBLIC SERVICES REFERENCE SECTION

Section 3010.210 Reference Service

- a) Bibliographic instruction is available to any on-site patron.
- b) Ready-Reference Service is provided to all patrons.
- c) Research Service is provided to officials and employees of State government for work-related assignments.
- d) Officials and employees of State government conducting non-work related inquiries and members of the general public who are in need of in-depth reference services will be referred to their local public, academic, or institutional libraries. Individuals engaged in such inquiries may avail themselves of the resources of the State Library for independent study and may request such bibliographic instruction as may be necessary to utilize the State Library's resources and suggestions. State library staff will provide guidance and recommendations on specific resources and libraries that may be of use to the patron.
- a) Governmental-research-services-are-available-to-all-holders-of-regular-borrower's-cards-The-State-library-will-provide-appropriate-special-programs-designed-to-meet-the-informational-needs-of-State-government. Examples-of-special-programs-may-include-but-are-not-limited-to-the indexing-of-General-Assembly-floor-debates-the-duplication-of-census microfilm-and-the-publication-of-a-statewide-association-directory.
- b) As-a-Reference-and-Research-Center-the-State-library-provides

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

libraries-of-illinois-library-systems--to-illinois-academic-libraries school-libraries-and-to-special-libraries-within-the-state-according to-the-provisions-of-the-interlibrary-loan-code-for-illinois-(librariy interlibrary-loan-and-informational-requests-procedures-manual--1976) adopted-by-the-reference-and-research-centers-and-the-illinois-library systems:

d+ the-state-library--also--provides--interlibrary--loans--to-libraries outside-the-state-of-illinois-in--accordance-with-the-provisions-of-the National--interlibrary-loan--code--(1980)--which--the--state--library supports-----the--state--library--may--enter--into--other--cooperative borrowing--arrangements--at-the-discretion-of-the-state-librarian: 5113

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.320 Resource Sharing Agreements

The State Library may enter into cooperative interlibrary loan arrangements at the discretion of the State Librarian or his/her designee.

(Source: Added at 25 Ill. Reg. 5112-- , effective _____)

Approved by _____ Date _____

Name of Library Services Manager

Expiration Date _____

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS STATE LIBRARY

INTRODUCTION TO THE STACKS FOR PATRONS WITH STACK PRIVILEGES

1. Food or drink are not allowed in the stack area at any time.
2. Sign in and out at the Circulation Desk and wear the stack pass at all times. Return the pass to the desk when you sign out. Any patron not wearing the stack pass will be asked to vacate the stacks immediately. Secretary of State security will be notified if the patron fails to comply with this request.
3. Report problems with the compact shelving to stacks staff, if available. If not, report to the Circulation Desk. Patrons are not to ratchet the shelving units.
4. If the alarm sounds, you must leave the building through the emergency exits you were shown during your orientation.
5. Stacks staff who are retrieving materials have priority use of the modules. You are encouraged to take materials to the back counter where you may sit and use them. Please do not stand in the aisles while using materials.
6. When you are finished with the materials, please place them on the counter next to the elevator. The stacks staff will reshelv them for you.
7. Patrons are not allowed to use the Translogic booklift. It is for staff use only. If you wish to transport a large number of items to the Reference Room, etc., please contact the stacks staff or someone at the Circulation Desk to assist you.

STACK PASSES

To Apply for Stack Pass:

1. Requester must send a letter on agency letterhead to: Library Services Division, c/o Illinois State Library, stating the reason for requesting a stack pass or complete the Temporary Stack Pass Application.
2. Requester will be notified of approval and added to the list of persons with stack access.
3. No one is allowed in the stacks without stack access approval -- unless accompanied by a reference librarian.
4. Persons wishing to accompany someone with stack access must also have stack access approval.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

5. Each person with stack access will be given a short orientation. Orientation includes review of written information in the sign-in book, information on running the compact shelving, location of fire exits, etc. Copies of the written information in the sign-in book are given to patron for future reference.
6. Library Service Division managers and stacks staff are authorized to give orientation.
7. Library Service Division managers can authorize stack access, daily and/or permanent.

(Source: Added at 25 Ill. Reg. 5412, effective)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section. 3010. EXHIBIT B. Use of the Public Services Areas of the Illinois State Library: General Policies and Guidelines

Use of the Public Services Areas of the Illinois State Library:
General Policies and Guidelines

Library Patrons' Responsibilities

Patrons are expected to observe the rights of other patrons and staff members and to use the library for its intended purposes.

The following will not be allowed in the library:

- any behavior that endangers the safety or health of others
- harassment of library patrons or staff
- violation while in the library of any local, State, or federal law
- vandalism, theft, or deliberate destruction of library materials or property
- deliberate disruption of library procedures or violation of Secretary of State policies
- use of abusive language
- behavior or decorum that disturbs or could disturb other patrons
- smoking, eating or drinking except in designated areas
- any action, activity or condition that obviously causes a public health threat

Any patron (including any minor) who is behaving in an inappropriate manner will be asked to leave the library.

A patron who repeatedly violates these rules may be permanently prohibited from entering the State Library and will be subject to the suspension of library privileges by authority of library security and/or library management.

The police will be summoned in cases in which a patron poses a danger to himself or others, deliberately violates the law, or refuses to leave the library after being asked to do so.

Use of Computer Equipment

Except for State employees conducting State business, individual sessions are limited to one hour.

Library staff is solely responsible for the maintenance of computer equipment. Patrons may not tamper with equipment. Report printer supply needs, jams, and other problems to the reference desk staff.

The use of personal software is prohibited.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Printing:

- State employees, not engaged in work-related inquiries, and the general public shall be given a maximum of 20 sheets for printing.
- Patrons may not supply their own paper.
- Patrons may only print on one side of a sheet of paper.

Downloading files:

- Files may be downloaded to floppy disks only (drive A). Downloading to the hard drive (C) is prohibited.
- Disks are available at the reference desk for State employees conducting work-related research.
- Personal disks must be virus-checked by library staff prior to use.

Electronic Networks: Guidelines for Use

The Illinois State Library requires that library patrons using electronic information networks such as the Internet do so within the guidelines of acceptable use. The following activities are unacceptable and may result in loss of library privileges:

- use of electronic information networks for any purpose that results in the harassment of other users or the promotion of violence
- violation of system security; destruction of, damage to, or unauthorized alteration of;

- 1) the library's computer equipment software
 - 2) network security procedures
- use of electronic information networks in any way that violates federal or State law
 - use of electronic information networks in any way that violates licensing and payment agreements between the Illinois State Library and network/database providers
 - unauthorized duplication of copy protected software or violation of software license agreements
 - behaving in a manner that is disruptive to other users, including, but not limited to, overuse of computer equipment that serves to deny access to other users
 - ending, receiving, or displaying text or graphics that may be reasonably construed as obscene.

About Children and the State Library

Internet access at the Illinois State Library is unfiltered. The Illinois State Library supports the right of all library users to have access to information and will not deny access to electronic information networks based solely on age. However, library staff is unable to monitor children's use. Additionally, the Illinois State Library cannot act as a censor or substitute

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 25 Ill. Reg. 5412, effective)

ILLINOIS REGISTER
DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Programs
 - 2) Code Citation: 89 Ill. Adm. Code 148
 - 3) Section Numbers: Emergency Action:
148.310 Amendment
 - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
 - 5) Effective Date: April 1, 2001
 - 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
 - 7) Date Filed with the Index Department: March 30, 2001
 - 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Reason for Emergency: These emergency amendments provide payment review provisions concerning Tertiary Care Adjustment Payments. These payments, implemented April 1, 2001, provide monetary recognition for higher level, complex medical care for eligible hospitals. Tertiary Care Adjustment Payments are composed of six separate adjustments, each of which has a specific reimbursement methodology. In the interest of hospitals that receive these payments, immediate implementation of these amendments on payment reviews is necessary to provide access for hospitals to a rate appeal mechanism.
 - 10) Complete Description of the Subjects and Issues Involved: Section 148.310 is being revised in conjunction with implementation of a new Tertiary Care Adjustment Payments program in order to provide an appeal mechanism for hospitals. These payments, implemented April 1, 2001, provide monetary recognition for higher level, complex medical care for eligible hospitals. Tertiary Care Adjustment Payments are composed of six separate adjustments, each of which has a specific reimbursement methodology. The new provisions in subsection (j) will allow hospitals to request a review by the Department concerning payment calculations as well as determinations of ineligibility for Tertiary Care Adjustment Payments. Similarly, the amendments in new subsection (i) provide appeal rights for providers relative to Pediatric Inpatient Adjustment Payments.
- Changes are also being made to provide clarifications on review procedures.
- Other amendments strike text relating to a time-limited payment for

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

fiscal year 2000 only and time-limited Supplemental Critical Hospital Adjustment Payments because the sunset date was September 30, 1999. Several outdated references are also being stricken because they relate to a DHA (direct hospital adjustment) program that concluded on September 30, 1999.

No budgetary changes are anticipated on the basis of these emergency amendments.

- 11) Are there any other amendments pending on this Part: Yes

Sections	Proposed Action	Illinois Register Citation
148.70	Amendment	February 9, 2001 (25 Ill. Reg. 2260)
148.82	Amendment	March 23, 2001 (25 Ill. Reg. 4124)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

- 13) Information and questions regarding this amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217/524-0081

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 148.290 Adjustments and Reductions to Total Payments
 148.295 Critical Hospital Adjustment Payment (CHAP)
 148.296 Maternity Care Adjustment Payments
 148.297 Pediatric Outpatient Adjustment Payments
 148.298 Pediatric Inpatient Adjustment Payments
 148.300 Payment
 148.310 Review Procedure
EMERGENCY
 148.320 Alternatives
 148.330 Exemptions
 148.340 Substance Alcoholism and Substance Abuse Treatment Services
 148.350 Definitions (Repealed)
 148.360 Types of Substance Alcoholism and Substance Abuse Treatment Services (Repealed)
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Substance Alcoholism and Substance Abuse Treatment Services
 148.380 Rate Appeals for Substance Alcoholism and Substance Abuse Treatment Services (Repealed)
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 15052, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11442, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 5649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

111. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. ~~5436~~ ⁵⁴³⁵, effective April 1, 2001; emergency amendment at 25 Ill. Reg. ~~5436~~ ⁵⁴³⁵, effective April 1, 2001, for a maximum of 150 days.

Section 148.310 Review Procedure

EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

a) Inpatient Rate Reviews

1) Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of any the rate for errors in calculation made by the Department. Such a request must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of their rates. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of their rates. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

b) DSH Determination Reviews

1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation made by the Department. Such a request must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) DSH determination reviews shall be limited to the following:

- DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.

- Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with Federal and State regulations.

- Low Income Utilization Rates. Low Income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income utilization rates were calculated in accordance with Federal and State regulations.

- Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5, 1989, and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992. Review shall be limited to hospitals in localities that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of June 30, 1992.

- Excess Beds. Excess bed information shall be determined in accordance with Public Act 86-268 (Code Section 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and utilized by the Department was incorrect.

- Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (k)(4), (k)(6) and (k)(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.

- Outlier Adjustment Reviews. The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 or Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation made by the Department only. Such a request must be submitted in writing to the Department and must be received or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

post marked within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

d) Cost Report Reviews

1) Cost reports are required from:

- A) All enrolled hospitals within the State of Illinois;
- B) All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical Assistance Program; and
- C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm.

Code 149 (the DRG PPS).

- 2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such a request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

e) Trauma Center Adjustment Reviews

- 1) The Department shall make trauma care adjustments in accordance with Section 148.230(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation by the Department.
- 2) Trauma level designation is obtained from the Illinois Department

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.

- 3) Appeals under this subsection (e) must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

f) Medicaid High Volume Adjustment Reviews

The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

g) Sole Community Hospital Designation Reviews

The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it believed that a technical error has been made in the determination. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

h) Geographic Designation Reviews

- 1) The Department shall make rural hospital designation in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

- 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be submitted in writing to the Department and must be received on or after the last day of June preceding the CHAP rate period. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

- i) Critical Hospital Adjustment Payment (CHAP) Reviews

- 1) The Department shall make CHAP payments in accordance with Section 148.295. Hospitals shall be notified in writing of the results of the CHAP determination and calculation, and shall have the right to appeal the CHAP calculation or their ineligibility for the CHAP if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for CHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for the CHAP. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- 2) CHAP determination reviews shall be limited to the following:

- A) Federally Designated Health Professional Shortage Areas (HPSAs). Illinois hospitals located in federally designated HPSAs shall be identified in accordance with 42 CFR 5, and Section 148.295(a)(3)(B) and (b)(3) based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the last day of June preceding the CHAP rate period. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HPSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HPSA as of the last day of June preceding the CHAP rate period.

- B) Trauma level designation. Trauma level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.

- C) Accreditation of Rehabilitation Facilities. Accreditation of rehabilitation facilities shall be obtained from the Commission on Accreditation of Rehabilitation Facilities as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Commission, substantiating that the information supplied to and utilized by the Department was incorrect.

- D) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.

- E) Permanent level designation. Permanent level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health substantiating that the information supplied to and utilized by the Department was incorrect.

- F) Disproportionate share eligibility. Disproportionate share eligibility shall be determined pursuant to Section 148.179. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.

- G) Occupancy ratio. The occupancy ratio shall be obtained from the Illinois Department of Public Health as published in the entitled "Bed-County-Average Length of Stay--Average Daily Census--and--Percent--Occupancy for Non-Federal Hospitals in Illinois" as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health substantiating that the information supplied to and used by the Department was incorrect.

- H) Graduate Medical Education Programs. Graduate Medical Education program information shall be obtained from the most recently published report of the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the above, substantiating that the information supplied to and utilized by the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- Department was incorrect.
- j) Tertiary Care Supplemental--Errata--Hospital Adjustment Payment (SEHAP) Reviews. The Department shall make Tertiary Care Adjustment Payments SEHAP-payments in accordance with Section 148.296. Hospitals shall be notified in writing of the results of the Tertiary Care Adjustment Payments SEHAP determination and calculation, and shall have the right to appeal the Tertiary Care Adjustment Payments SEHAP calculation or their ineligibility for Tertiary Care Adjustment Payments SEHAP-payments if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for Tertiary Care Adjustment Payments SEHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for Tertiary Care Adjustment Payments SEHAP-payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- k) Pediatric Outpatient Adjustment Payments. The Department shall make Pediatric Outpatient Adjustment Payments in accordance with Section 148.297. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.297 if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.297 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- l) Pediatric Inpatient Adjustment Payments. The Department shall make Pediatric Inpatient Adjustment Payments in accordance with Section 148.298. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.298 if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.298 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- †) A--one-time--fiscal--year--2000--payment--the Department shall make a one-time fiscal year 2000 payment to hospitals based upon the services as specified at Section 140.140(b)(4)--Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 140.140(b)(4)--if it is believed that a technical error has been made in the calculation--the appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 140.140 and payment amounts or a letter of notification that the hospital does not qualify for such payments--Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction--the Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- m) For purposes of this Section, the term "postmarked" means the date of processing by the United States Post Office or any independent carrier service.
- n) The review procedures provided for in this Section may not be used to submit any new or corrected information that was required to be submitted by a specific date in order to qualify for a payment or payment adjustment. In addition, only information that was submitted expressly for the purpose of qualifying for the payment or payment adjustment under review shall be considered by the Department. Information that has been submitted to the Department for other purposes will not be considered during the review process.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 543 0, effective April 1, 2001, for a maximum of 150 days)

Illinois Community College Board

JANUARY 2001 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

- 1) Rulemaking: Proposed amendments to Section 1501.302 (Units of Instruction, Research, and Public Service)

A) Description: The ICCB anticipates proposing amendments to the current rules regarding approval of short-term occupational certificate programs. The new policy will allow short-term certificate programs of less than seven hours to be created by a college if the college has previous approval to offer one or more programs in the same two-digit CIP category.

- B) Statutory authority: 110 ILCS 805/2-12

C) Scheduled meeting/hearing dates: None scheduled. The proposed amendments will be distributed to the 48 Illinois public community colleges as a future action agenda item in the January 19, 2001 ICCB agenda materials. Pending comments/revisions from the system, the rules changes will be submitted to the ICCB for approval at its March 16, 2001 meeting, with submission to the Index Department immediately following board approval.

- D) Date agency anticipates First Notice: March 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 62701-1711
Telephone: (217) 785-0053

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

- 1) Rulemaking: Proposed addition to Subpart E (Finance).

A) Description: The ICCB is proposing an addition to Subpart E (Finance) in response to a recommendation issued by JCRR to

Illinois Community College Board

JANUARY 2001 REGULATORY AGENDA

- a) rulemaking originally published in 23 IL Reg 13713-1/1/99 and adopted. November 14, 2000.

- B) Statutory authority: 110 ILCS 805/2-16.02

C) Scheduled meeting/hearing dates: None scheduled. The proposed additions will be distributed to the 48 Illinois public community colleges as a future action agenda item in the May 18 ICCB agenda materials. Pending comments/revisions from the system, the rules additions will be sent to the ICCB for approval at its June 15 meeting, with submission to the Index Department immediately following board approval.

- D) Date agency anticipates First Notice: June 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 62701-1711
Telephone: (217) 785-0053

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

- 1) Rulemaking: Proposed additions/amendments to the whole part.

A) Description: With the transfer of Adult Education to the ICCB in the near future, rules will be necessary to implement the program.

- B) Statutory authority: Public Act 91-0830; 110 ILCS 805/2-12

C) Scheduled meeting/hearing dates: None scheduled. The proposed additions/ amendments will be distributed to all adult education and family literacy providers. The additions/amendments will then be submitted as a future action agenda item in the June 15 ICCB agenda materials. Pending comments/revisions from adult education and family literacy providers, the rules additions/amendments will be

Illinois Community College Board

JANUARY 2001 REGULATORY AGENDA

submitted to the ICB for approval at its September 21 meeting, with submission to the Index Department immediately following board approval.

D) Date agency anticipates First Notice: October 2001

E) Affect on small businesses, small municipalities or not-for-profit corporations: The ICB believes that this rulemaking will affect not-for-profit corporations since approximately 33 percent of adult education and family service providers are not-for-profit agencies.

F) Agency contact person for information:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 62701-1711
Telephone: (217) 785-0053

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 17, 2001

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Standardbred and Thoroughbred Horse Breeding and Racing Programs, Illinois (8 Ill Adm Code 290)
-First Notice Published: 25 Ill Reg 300 - 1/12/01
-Expiration of Second Notice: 4/28/01

Banks and Real Estate

2. High Risk Home Loans (38 Ill Adm Code 345)
-First Notice Published: 24 Ill Reg 18871 - 12/29/00
-Expiration of Second Notice: 5/13/01
3. Illinois Savings and Loan Act of 1985 (38 Ill Adm Code 1000)
-First Notice Published: 24 Ill Reg 18861 - 12/29/00
-Expiration of Second Notice: 5/13/01
4. Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050)
-First Notice Published: 24 Ill Reg 18899 - 12/29/00
-Expiration of Second Notice: 5/13/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 17, 2001

14. Eligibility (89 Ill Adm Code 682)
-First Notice Published: 25 Ill Reg 762- 1/19/01
-Expiration of Second Notice: 5/12/01

Insurance

15. Pre-licensing and Continuing Education (50 Ill Adm Code 3119)
-First Notice Published: 24 Ill Reg 15496 - 10/27/00
-Expiration of Second Notice: 5/13/01

Labor

16. Illinois Child Labor Law (56 Ill Adm Code 250)
-First Notice Published: 24 Ill Reg 17711 12/8/00
-Expiration of Second Notice: 4-21/01

Natural Resources

17. White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)
-First Notice Published: 25 Ill Reg 1060 - 1/26/01
-Expiration of Second Notice: 5/4/01

18. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)
-First Notice Published: 25 Ill Reg 1079 - 1/26/01
-Expiration of Second Notice: 5/4/01

19. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)
-First Notice Published: 24 Ill Reg 1047 - 1/26/01
-Expiration of Second Notice: 5/9/01

Public Aid

20. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 24 Ill Reg 18486 - 12/22/00
-Expiration of Second Notice: 5/10/01

21. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 24 Ill Reg 18999 - 12/29/00
-Expiration of Second Notice: 5/10/01

Public Health

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 17, 2001

5. Savings Bank Act (38 Ill Adm Code 1075)
-First Notice Published: 24 Ill Reg 18917 - 12/29/00
-Expiration of Second Notice: 5/13/01

Central Management Services

6. State Vehicles and Garage (44 Ill Adm Code 5040)
-First Notice Published: 25 Ill Reg 2204- 2/9/01
-Expiration of Second Notice: 5/12/01

7. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 24 Ill Reg 17384 - 11/27/00
-Expiration of Second Notice: 5/9/01

Children and Family Services

8. Unusual Incidents (89 Ill Adm Code 331)
-First Notice Published: 24 Ill Reg 8442 - 6/23/00
-Expiration of Second Notice: 5/13/01

Financial Institutions

9. Consumer Installment Loan Act (38 Ill Adm Code 110)
-First Notice Published: 24 Ill Reg 18942 - 12/29/00
-Expiration of Second Notice: 5/13/01

10. Sales Finance Agency Act (38 Ill Adm Code 160)
-First Notice Published: 24 Ill Reg 18964 - 12/29/00
-Expiration of Second Notice: 5/13/01

11. Illinois Credit Union Act (38 Ill Adm Code 190)
-First Notice Published: 24 Ill Reg 18953- 12/29/00
-Expiration of Second Notice: 5/13/01

Human Services

12. Partner Abuse Intervention (89 Ill Adm Code 501)
-First Notice Published: 24 Ill Reg 17346 - 11/27/00
-Expiration of Second Notice: 5/13/01

13. Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)
-First Notice Published: 25 Ill Reg 766 - 1/19/01
-Expiration of Second Notice: 5/12/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 17, 2001

22. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205)
-First Notice Published: 24 Ill Reg 11556 - 8/4/00
-Expiration of Second Notice: 5/13/01
23. Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs (Repealer) (77 Ill Adm Code 510)
-First Notice Published: 25 Ill Reg 42 - 1/5/01
-Expiration of Second Notice: 4/19/01
- Racing Board
24. Pari-Mutuels (11 Ill Adm Code 300)
-First Notice Published: 25 Ill Reg 789 - 1/19/01
-Expiration of Second Notice: 4/28/01
25. Claiming Races (11 Ill Adm Code 510)
-First Notice Published: 25 Ill Reg 1165 - 1/26/01
-Expiration of Second Notice: 4/26/01
26. Entries and Declarations (11 Ill Adm Code 1312)
-First Notice Published: 25 Ill Reg 785 - 1/19/01
-Expiration of Second Notice: 4/22/01
- Revenue
27. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 25 Ill Reg 2294 - 2/9/01
-Expiration of Second Notice: 5/11/01
28. Property Tax Code (86 Ill Adm Code 110)
-First Notice Published: 25 Ill Reg
-Expiration of Second Notice: 5/10/01
29. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Notice Published: 25 Ill Reg 386 - 1/12/01
-Expiration of Second Notice: 4/22/01
30. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Notice Published: 24 Ill Reg 7617 - 5/26/00
-Expiration of Second Notice: 4/29/01
31. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Notice Published: 25 Ill Reg 1169 - 1/26/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 17, 2001

- Expiration of Second Notice: 5/4/01
32. Use Tax (86 Ill Adm Code 150)
-First Notice Published: 25 Ill Reg 1171 - 1/26/01
-Expiration of Second Notice: 5/4/01
33. Service Occupation Tax (86 Ill Adm Code 140)
-First Notice Published: 24 Ill Reg 17498 - 12/1/00
-Expiration of Second Notice: 4/22/01
34. Use Tax (86 Ill Adm Code 150)
-First Notice Published: 25 Ill Reg 1988 - 2/2/01
-Expiration of Second Notice: 5/4/01
- Secretary of State
35. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 25 Ill Reg 1996 - 2/2/01
-Expiration of Second Notice: 5/3/01
36. Commercial Driver Training Schools (92 Ill Adm Code 1060)
-First Notice Published: 25 Ill Reg 1173 - 1/26/01
-Expiration of Second Notice: 4/28/01
- Transportation
37. Procedures (92 Ill Adm Code 107)
-First Notice Published: 25 Ill Reg 2360 - 2/9/01
-Expiration of Second Notice: 5/12/01
38. Hazardous Materials Transportation: General Information, Regulations and Definitions (92 Ill Adm Code 171)
-First Notice Published: 25 Ill Reg 2354 - 2/9/01
-Expiration of Second Notice: 5/12/01
39. Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)
-First Notice Published: 25 Ill Reg 2349 - 2/9/01
-Expiration of Second Notice: 5/12/01
40. Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 173)
-First Notice Published: 25 Ill Reg 2367 - 2/9/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 17, 2001

-Expiration of Second Notice: 5/12/01

41. Carriage by Public Highway (92 Ill Adm Code 177)
-First Notice Published: 25 Ill Reg 2339 - 2/9/01
-Expiration of Second Notice: 5/12/01

42. Specifications for Packagings (92 Ill Adm Code 178)
-First Notice Published: 25 Ill Reg 2373 - 2/9/01
-Expiration of Second Notice: 5/12/01

43. Specifications for Tank Cars (92 Ill Adm Code 179)
-First Notice Published: 25 Ill Reg 2384 - 2/9/01
-Expiration of Second Notice: 5/12/01

44. Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)
-First Notice Published: 25 Ill Reg 2344 - 2/9/01
-Expiration of Second Notice: 5/12/01

EMERGENCY AND PEREMPTORY RULEMAKINGS

Central Management Services

45. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 25 Ill Reg 5067 - 4/6/01

Children and Family Services

46. Service Appeal Process (89 Ill Adm Code 337) (Emergency)
-Notice Published: 25 Ill Reg 4283 - 3/23/01
47. Services Delivered by the Department of Children and Family Services (89 Ill Adm Code 302) (Emergency)
-Notice Published: 25 Ill Reg 4292 - 3/23/01

Commerce Commission

48. Uniform Electric Fuel Adjustment (83 Ill Adm Code 425) (Emergency)
-Notice Published: 25 Ill Reg 4307 - 3/23/01

State Police

49. Emission Inspection Training and Certification (20 Ill Adm Code 1293) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 17, 2001

-Notice Published: 25 Ill Reg 4045 - 3/16/01

AGENCY RESPONSE

Professional Regulation

50. Nursing and Advanced Practice Nursing Act - Advanced Practice Nurse (68 Ill Adm Code 1305)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 26, 2001 through April 2, 2001 and have been scheduled for review by the Committee at its April 17, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
5/9/01	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	11/27/00	4/17/01
5/9/01	Department of Natural Resources, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)	1/26/01 25 Ill Reg 1047	4/17/01
5/10/01	Department of Revenue, Property Tax Code (86 Ill Adm Code 110)	2/9/01 25 Ill Reg 2319	4/17/01
5/10/01	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	12/22/00 24 Ill Reg 18486	4/17/01
5/10/01	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	12/29/00 24 Ill Reg 18999	4/17/01
5/11/01	Department of Revenue, Income Tax (86 Ill Adm Code 100)	2/9/01 25 Ill Reg 2294	4/17/01
5/12/01	Department of Central Management Services, State Vehicles and Garage (44 Ill Adm Code 5040)	2/9/01 25 Ill Reg 2204	4/17/01
5/12/01	Department of Human Services, Eligibility (89 Ill Adm Code 682)	1/19/01 25 Ill Reg 762	4/17/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
5/12/01	Department of Human Services, Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)	1/19/01 25 Ill Reg 766	4/17/01
5/12/01	Department of Transportation, Carriage by Public Highway (92 Ill Adm Code 177)	2/9/01 25 Ill Reg 2339	4/17/01
5/12/01	Department of Transportation, Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)	2/9/01 25 Ill Reg 2344	4/17/01
5/12/01	Department of Transportation, Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)	2/9/01 25 Ill Reg 2349	4/17/01
5/12/01	Department of Transportation, Hazardous Materials Transportation: General Information, Regulations and Definitions (92 Ill Adm Code 171)	2/9/01 25 Ill Reg 2354	4/17/01
5/12/01	Department of Transportation, Procedures (92 Ill Adm Code 107)	2/9/01 25 Ill Reg 2360	4/17/01
5/12/01	Department of Transportation, Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 173)	2/9/01 25 Ill Reg 2367	4/17/01
5/12/01	Department of Transportation, Specifications for Packagings (92 Ill Adm Code 178)	2/9/01 25 Ill Reg 2373	4/17/01
5/12/01	Department of Transportation, Specifications for Tank Cars (92 Ill Adm Code 179)	2/9/01 25 Ill Reg 2384	4/17/01
5/13/01	Department of Financial Institutions, Consumer Installment Loan Act (38 Ill Adm Code 110)	12/29/00 24 Ill Reg 18942	4/17/01
5/13/01	Department of Financial Institutions, Illinois Credit Union Act (38 Ill Adm Code 190)	12/29/00 24 Ill Reg 18953	4/17/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/13/01	Department of Financial Institutions, Sales Finance Agency Act (38 Ill Adm Code 160)	12/29/00 24 Ill Reg 18964	4/17/01
5/13/01	Office of Banks and Real Estate, High Risk Home Loans (38 Ill Adm Code 345)	12/29/00 24 Ill Reg 18871	4/17/01
5/13/01	Office of Banks and Real Estate, Illinois Savings and Loan Act of 1985 (38 Ill Adm Code 1000)	12/29/00 24 Ill Reg 18881	4/17/01
5/13/01	Office of Banks and Real Estate, Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050)	12/29/00 24 Ill Reg 18899	4/17/01
5/13/01	Office of Banks and Real Estate, Savings Bank Act (38 Ill Adm Code 1075)	12/29/00 24 Ill Reg 18917	4/17/01
5/13/01	Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205)	8/4/00 24 Ill Reg 11556	4/17/01
5/13/01	Department of Children and Family Services, Unusual Incidents (89 Ill Adm Code 331)	6/23/00 24 Ill Reg 8442	4/17/01

